



City of Placerville MEMORANDUM

DATE: July 5, 2007
TO: City Council
FROM: John Driscoll, City Manager/City Attorney
SUBJECT: **SKATEPARK ORDINANCE**

RECOMMENDATION

That the City Council take the following action:

1. Waive the Second Reading an ordinance adding Chapter 18 to Title VI of the Placerville City Code relating to skateparks within the City of Placerville, and
2. Adopt said Ordinance.

DISCUSSION

The City Council introduced this proposed Ordinance at the regularly scheduled City Council meeting of Jun 26, 2007 and heard public comment on this issue. Joe's Skatepark (the Park) has been open for several years. It is the only skatepark located in the City and the park is situated on property owned by El Dorado County and utilized by the County Fair. The Park was constructed with funds secured by Placerville Rotary Club. A number of prominent Rotarians were instrumental in seeing the project through to completion, not the least of which was Joe Stancil. The City contributed \$20,000 towards the construction of the Park.

However, since its completion, management of the Park has been a significant issue. Rotary has made it clear that it does not want to be responsible for the operation of the Park, and the City does not have the resources to operate the Park. As previously mentioned, the Park is located on property owned by El Dorado County and it was constructed at that location with the permission of the County. There have been conflicting opinions as to whether the park should be supervised or unsupervised, and whether nor not a fee should be charged for usage.

Part of the controversy over these issues stems from the fact that skateboarding activities have been deemed as "Hazardous Recreational Activities" for the purpose of governmental immunity provided by Government Code Section 831.7. In essence, skateparks which do not charge a fee and are unsupervised can provide a "safe harbor" to the jurisdictions in which they are located

for liability for injuries occurring at those parks. As a result, many jurisdictions have opted to not supervise or charge a fee at their skateparks.

However, the lack of supervision is not without its consequences. The lack of an operator and supervision at Joe's Skatepark has not only led to the Park falling into a state of disrepair, but also unacceptable behavior including criminal conduct is occurring at the site.

In order to correct this problem, Supervisor Sweeney will be introducing a County ordinance on June 26, 2007, which will establish rules and regulations for the Park, as well as an enforcement mechanism for those rules and regulations. Supervisor Sweeney is proposing that the Park be supervised by the County Parks and Recreation Department and that a fee of approximately \$2.00 per user/per day be charged to offset some of the operational costs.

Supervisor Sweeney has requested that the City assist him in his endeavor to clean up the Park and provide supervision for the Park in two ways. First, he has asked that the City adopt an ordinance similar to that which he is introducing at the County so that law enforcement can cite violators under either the City ordinance or the County ordinance. He has also requested that the Police Department frequent the Park and cite violators. The Sheriff's Department will also increase their patrols at the Park.

Staff considers this to be a reasonable request since the Park can ultimately be an asset to both the City and the County. However, without supervision, rules, regulations and enforcement, the Park will continue to erode as a facility and will ultimately have to be closed. It should not be a burden to our Police officers to drive into the Park as they are patrolling Placerville Drive. It is felt that having a "police presence" through visits by both the Police Department and Sheriff's Department will go a long way toward cleaning up the operation at the Park.

The ordinance being presented to you for introduction tonight mirrors the ordinance introduced by Supervisor Sweeney at the County today. It provides for the rules and regulations not only for the operation of the Park, but also the conduct of individuals using the Park. Violators will be expelled from the Park and continued violations will result in a one-year expulsion from the Park. Violators will also be subject to citations for infractions and, for more serious violations, misdemeanors.

FISCAL IMPACT

Other than the cost of codifying the ordinance, there is no direct fiscal impact associated with the proposed action.

Respectfully submitted,

John Driscoll
City Manager/City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PLACERVILLE AMENDING TITLE VI OF THE
PLACERVILLE CITY CODE BY ADDING CHAPTER 18
THERE TO RELATING TO SKATEPARKS**

The City Council of the City of Placerville does ordain as follows:

Section 1: Title VI of the Placerville City Code is hereby amended by adding Chapter 18 thereto, to read as follows:

“CHAPTER 18

SKATEPARKS

SECTION:

- 6-18-1: Purpose
- 6-18-2: Safety Equipment
- 6-18-3: Regulations
- 6-18-4: Enforcement
- 6-18-5: Notice
- 6-18-6: Negligence Per Se

6-18-1: **PURPOSE:** The purpose of this Ordinance is to promote the public peace and the health, safety, and welfare of residents of the City of Placerville by establishing regulations for the use of skateparks operated within the City of Placerville. This ordinance does not preclude other civil or criminal actions in regard to conduct proscribed herein. The City Council hereby declares that skateboarding, roller-skating, in-line skating, and trick bicycling are hazardous recreational activities. Individuals using a skatepark operated in the City of Placerville shall assume all risk of injury or loss.

6-18-2: **SAFETY EQUIPMENT:** Any person entering, using, or remaining in a skatepark operated in the City of Placerville shall wear proper safety equipment, including, but not limited to, a secure helmet, knee pads, and elbow pads. All safety equipment shall be functional, properly sized, and in good repair. Helmets shall conform to state standards relating to bicycle safety helmets.

6-18-3: **REGULATIONS:** All persons entering, using, or remaining in any skatepark operated in the City of Placerville shall comply with the following rules and regulations:

- (A) The skatepark shall have fixed hours of use, which shall be posted at the skatepark. No person shall use the skatepark at times other than those posted at the skatepark. In addition to other penalties specified herein, use of the skatepark after posted hours or during a time of closure may result in a trespassing citation.
- (B) The skatepark may be used by bicyclists, skateboarders, roller skaters, and in-line skaters on the days designated for that particular use and only in accordance with the schedule of use, which shall be posted at the skatepark.
- (C) All persons entering, using, or remaining in any skatepark must wear a shirt while on skatepark property.
- (D) No person may bring structures, obstacles, or other materials, such as ramps or jumps, into the skatepark.
- (E) Smoking, tobacco, drugs, and alcoholic beverages are prohibited anywhere at or within 200 feet of the skatepark.
- (F) It shall be unlawful to engage in graffiti, tagging, or other defacing (such as the placing of stickers or decals) of skatepark property or the property of others.
- (G) Except for authorized guide dogs and service animals, animals are prohibited in the skatepark.
- (H) Glass containers are prohibited anywhere at or near the skatepark.
- (I) Recklessness, horseplay, foul language, vandalism, and disrespect to staff and/or other skatepark users are prohibited.
- (J) No person shall skate or bicycle on curbs, fences, railings, walls, benches, tables, and/or driveways in the area surrounding the skatepark. Skatepark users shall be considerate of nearby business and residents in the surrounding neighborhood.
- (K) No skating or bicycling is allowed at the skatepark when the skatepark surfaces are wet.
- (L) Amplified music and sound systems are prohibited at the skatepark.
- (M) Climbing on or over the skatepark fence is prohibited.

6-18-4: **ENFORCEMENT:**

- (A) Any violation of these rules and regulations will result in immediate expulsion from the skatepark property. Three violations shall result in a one-year expulsion from the skatepark.

- (B) Any person who violates any of these rules and regulations shall, in the discretion of the enforcing authority, be guilty of an infraction or a misdemeanor, and may be subject to a fine of not more than five hundred dollars (\$500) and/or imprisonment not to exceed six (6) months.

6-18-5: **NOTICE:** A sign or signs shall be posted at all skatepark facilities providing notice that the violation of the skatepark's rules and regulations shall subject the violator to the penalties described in Section 6-18-4.

6-18-6: **NEGLIGENCE PER SE:** Any person who fails or refuses to comply with the provisions of this Ordinance and who is injured while using the skatepark shall be deemed negligent per se."

Section 2: This ordinance shall become effective thirty (30) days following adoption hereof.

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville held on June 26, 2007, by Vice-Mayor Hagen and it was read for the first time. The Ordinance was read for the second time on July 10, 2007 and Councilmember _____ moved its adoption. The motion was seconded by Councilmember _____. A poll vote was taken, which stood as follows:

AYES:

NOES:

ABSENT:

ABSTAIN

The Motion having a majority vote of "AYE," the Ordinance was declared to have been adopted and it was so ordered.

Mark A. Acuna, Mayor

Attest:

Susan Zito, City Clerk