



**CITY OF LODI
COUNCIL COMMUNICATION**

™

AGENDA TITLE: Introduce Ordinance Amending Chapter 12.12 - Parks of the Lodi Municipal Code by Repealing and Re-enacting Article V "Skate Parks" in its entirety

MEETING DATE: June 20, 2012 City Council Meeting

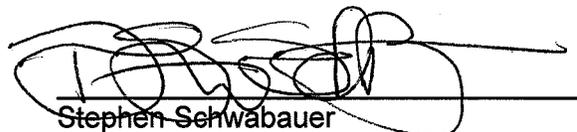
PREPARED BY: Janice D. Magdich, Deputy City Attorney

RECOMMENDED ACTION: Introduce Ordinance amending Chapter 12.12 - Parks - of the Lodi Municipal Code by Repealing and Re-enacting Article V "Skate Parks" in its entirety.

BACKGROUND INFORMATION: Parks staff requested the City Attorney's office to revise the Skate Park Ordinance to eliminate the cumbersome I.D. card requirement, expand available uses to include bikes and prohibit smoking and alcohol. Draft revisions to achieve those requests are attached for your review.

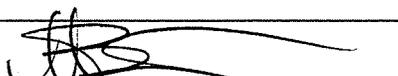
FISCAL IMPACT: None.

FUNDING AVAILABLE: None Required.



Stephen Schwabauer
City Attorney

APPROVED:



Konradt Bartlam, City Manager

ORDINANCE NO. _____

Deleted: 1754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12 - PARKS - BY REPEALING AND REENACTING ARTICLE V "SKATE PARKS" IN ITS ENTIRETY

Deleted: OF ¶ THE LODI MUNICIPAL CODE

Deleted: SECTION 12.12.420, RELATING TO SKATE PARK REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 – “Parks” - is hereby amended by repealing and reenacting Article V “Skate Parks” in its entirety and shall, read as follows:

Deleted: §12.12.420,

Deleted: relating skate park regulations to

12.12.410 Skateboarding, Rollerskating, and Bicycling prohibited in Certain Areas; Skate Park Regulations:

A. Skateboarding, rollerskating, in-line skating, bicycling and similar activities are prohibited in City Parks and recreational facilities unless specifically authorized in areas designed by this article and as further designated by resolution of the City Council. The City of Lodi designates and maintains as a skate park facility, that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this Article.

12.12.420 Skate Park Regulations.

The following regulations shall apply to the riding of skateboards, in-line skates, roller skates or bicycles at, or any other use of, any facility or park owned or operated by the City of Lodi, which has been designated a skate park:

Deleted: or

A. Within the skate park, it shall be unlawful for any person to:

- (1) Ride, operate, or use a skateboard, roller skates, in-line skates, or bicycle unless that person is wearing a helmet designed for skateboarding, roller-skating, in-line skating, and/or bicycle use with a chin strap, elbow pads designed for skateboarding, roller-skating, in-line skating and/or bicycle use with plastic elbow caps, and knee pads designed for bicycle, skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
- (2) Ride, operate, utilize a bicycle, skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
- (3) Be on or use an individual apparatus within the skate park while another person is using it;

Deleted: 1) . Ride, operate, or use a skateboard, roller skates, or in-line skates unless that person maintains in his/her possession a valid skate park identification card issued pursuant to policies and procedures established by the Parks and Recreation Department.

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- (4) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park; Deleted: 5
- (5) Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of bikers, skateboarders or skaters; Deleted: 6
- (6) Use, operate, or possess any source of amplified music including but not limited to stereo's, boom boxes, and amplifiers. Deleted: 7
- (7) Enter the concreted portion of skate park unless actively bicycling, skateboarding or in-line skating in accordance with these regulations; Deleted: 8
- (8) Use, consume, or have within his or her custody or control, food or beverages, or tobacco within the concreted portion of the skate park; Deleted: 9
- (9) Use, consume, or have within his or her custody or control, alcohol, or illegal drugs within the skate park; Deleted: 10
Deleted: tobacco products,
- (10) Enter the skate park while under the influence of alcoholic beverages or illegal drugs; Deleted: 11
Deleted: upon
- (11) Use or possess glass containers, bottles, or other breakable glass products within the skate park; Deleted: 12
- (12) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators; Deleted: 13
- (13) Engage in graffiti, tagging, or other defacing of City property or the properties of others; Deleted: 14
- (14) Ride, operate, or utilize any device other than a bicycle, skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, motor vehicles, motorized skateboards, and motorized skates), within the skate park; Deleted: 15
Deleted: bicycles,
Deleted: on
- (15) No person shall enter or remain in or upon the skate park premises: 1) while closed, as determined by the Parks and Recreation Department, or 2) between the hours of 9:00 P.M. and 10:00 A.M. Deleted: 16
- (16) Use or have within his or her custody or control, board wax, within the skate park. Deleted: 17
- (17) No person shall enter the skate park with any animal. Deleted: 18
Deleted: in or upon
Deleted: premises

B. The skate park shall be posted with signs at the following locations:

- (1) At the entrance to the skate Park; and
- (2) On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the City. The signs shall not be less than 2 feet by 3 feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

WARNING

BICYCLING, SKATEBOARDING AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTVIITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE §115800.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A BICYCLE, SKATEBOARD OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR BICYCLE, SKATEBOARD AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR BICYCLE, SKATEBOARD AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR BICYCLE, SKATEBOARD AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED BICYCLES, NON-MOTORIZED SKATE BOARDS AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO SMOKE, CONSUME ALCOHOLIC BEVERAGES, OR PLAY AMPLIFIED MUSIC WITHIN THE SKATE PARK. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

Deleted: §

Deleted: AND 115800.1

Deleted: A VALID CITY ISSUED SKATE PARK IDENTIFICATION CARD IS REQUIRED TO BE IN THE POSSESSION OF EACH PERSON USING THIS FACILITY. ANY PERSON FAILING TO COMPLY WITH THIS REQUIREMENT SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.†

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12.12.430 Violations.

Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor for violations of subsections (A) (9) through (10), (A) (13) and A (14) of Section 12.12.420. All other violations shall be prosecuted as an infraction as provided in Section 1.08.010 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ___ day of _____, 2012

JOANNE MOUNCE
Mayor

Attest:

RANDI JOHL
City Clerk

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|
State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held June 20, 2012, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2012, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS – ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

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RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney