



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 – Parks – by Repealing and Reenacting Section 12.12.420 “Skate Park Regulations” in its Entirety

MEETING DATE: February 20, 2013

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Adopt Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 – Parks – by Repealing and Reenacting Section 12.12.420 “Skate Park Regulations” in its entirety.

BACKGROUND INFORMATION: Our recent issues with illegal activity at the Skate Park led staff to research how other communities manage, regulate and supervise their skate parks. Other than the requirement that participants wear protective gear, rules vary widely. One requirement in other cities, which is supported by the Recreation Commission for adoption here, is that any Skate Park visitor age 11 or younger must be accompanied by a parent or guardian.

The proposed change drafted by the City Attorney is shown on the attached ordinance. On February 5, 2013, the Recreation Commission voted unanimously (5-0) to recommend the City Council introduce and adopt the revised ordinance.

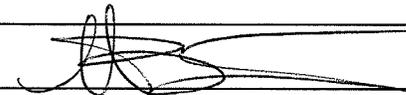
The State has recognized skate boarding as a hazardous activity. The Recreation Commission concurs with staff that amending our skate park ordinance to require parental supervision of our youngest users is in the best interest of our skaters as well as the City.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.



Jeff Hood
Parks, Recreation and Cultural Services Director

APPROVED: 

Konradt Bartlam, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING CHAPTER
12.12 – PARKS – BY REPEALING AND REENACTING SECTION
12.12.420, “SKATE PARK REGULATIONS,” IN ITS ENTIRETY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 12.12.420, “Skate Park Regulations,” is hereby repealed and reenacted to read as follows:

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:

- 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;
 - (4) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;
 - (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;
 - (6) Use, operate, or possess any source of amplified music including but not limited to stereos, boom boxes, and amplifiers;
 - (7) Enter the concreted portion of skate park unless actively bicycling, skateboarding, or in-line skating in accordance with these regulations;
 - (8) Use, consume, or have within his or her custody or control food, beverages, or tobacco within the concreted portion of the skate park;
 - (9) Use, consume, or have within his or her custody or control alcohol or illegal

drugs within the skate park;

- (10) Enter the skate park while under the influence of alcoholic beverages or illegal drugs;
- (11) Use or possess glass containers, bottles, or other breakable glass products within the skate park;
- (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;
- (13) Engage in graffiti, tagging, or other defacing of city property or the properties of others;
- (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;
- (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.;
- (16) Use or have within his or her custody or control, board wax, within the skate park; and
- (17) No person shall enter the skate park with any animal.

(18) No person under the age of twelve shall enter the skate park without being accompanied by a parent or guardian.

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. **USERS UNDER THE AGE OF 12 MUST BE ACCOMPANIED BY A PARENT OR GUARDIAN.** ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

SECTION 2. 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 towards 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 3. 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 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

SECTION 6. The amended Schedules referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after January 1, 2012, or the first date allowable under State law.

Approved this ____ day of _____, 2013

ALAN NAKANISHI
MAYOR

ATTEST:

RANDI JOHL
City Clerk
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 February 20, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2013, 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.

RANDI JOHL
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER
City Attorney