

ORDINANCE NO. 05-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING ARTICLE 1 OF CHAPTER II OF TITLE 12 TO THE COSTA MESA MUNICIPAL CODE SETTING REGULATIONS FOR THE USE OF PUBLIC SKATE PARKS

WHEREAS, the City has established a public skate park to create a safe and accessible place for people to skateboard and roller skate in a clean, enjoyable environment; and

WHEREAS, the City wishes to regulate the activities at public skate park.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Article 1 is hereby added to Chapter II of Title 12 of the Costa Mesa Municipal Code as follows

“Article 1. Skate Parks

Section 12-47 Definitions.

"Roller skate" shall mean any footwear or device that may be attached to the foot or footwear, to which non-metallic wheels are attached and such wheels may be used by the wearer for moving or propulsion, including but not limited to in-line skates commonly known as roller blades.

"Safety Equipment" shall mean, at a minimum, legal or approved helmets, elbow pads and knee pads.

"Skateboard" shall mean all non-metallic wheeled objects, coasters, conveyances, or similar devices used for transportation or sport which are propelled by human power and which are not classified as bicycles or roller skates.

"Skate Park" shall mean a public facility that is designed for use by persons riding skateboards or roller skates, and which is designated a “skate park” by the Recreation Manager.

Section 12-48 Skate Park Regulations.

The following regulations shall apply for all Skate Parks:

(a) No person shall use a Skate Park for uses other than for skateboarding or roller skating.

- (b) No person shall skateboard or roller skate without wearing the required Safety Equipment as posted at a Skate Park.
- (c) No person shall skateboard or roller skate when the skating surface is wet.
- (d) No person shall engage in profanity, reckless or boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay and bullying) or any other activity that could endanger the safety of persons using a Skate Park or spectators.
- (e) Only skateboards and roller skates will be allowed to be used in a Skate Park. Prohibited devices include, but are not limited to, bicycles, scooters and any motorized device whether electric or gas powered.
- (f) No person shall use, consume or possess food, beverages, glass bottles or any breakable glass item on the skating surface.
- (g) No person shall place or utilize additional obstacles or other materials, including, but not limited to, ramps or jumps, at a Skate Park.
- (h) No person shall use, or be under the influence of, alcohol, controlled substances or illegal drugs while using a Skate Park.
- (i) No person shall enter the skating surface area of a Skate Park unless actively skateboarding or roller skating in accordance with these regulations.
- (j) No person shall use portable/personal stereos and headphones within a Skate Park or its perimeter.
- (k) No person shall have a dangerous weapon in his/her possession. Deadly weapons shall include, but not be limited to guns, knives, bats/clubs or martial arts weapons.
- (l) No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle.
- (m) No person shall apply, or cause to be applied, any vandalism, including but not limited to graffiti, tagging, stickers or decals, to any facilities in the Skate Park.
- (n) All persons shall skateboard or roller skate only on the skating surface, and shall not skateboard or roller skate on the curbs, planters, benches, steps, railing, parking lot or driveways of a Skate Park or other City-owned area surrounding a Skate Park.
- (o) No person shall skateboard or roller skate at a Skate Park at any times other than those established as the hours of operation.

12-49 Penalty for Violation.

(a) Any violation of the provisions of this article shall be deemed to be an infraction or misdemeanor at the discretion of the City Attorney or District Attorney, and punishable as such. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction. Each day a violation of any provision of this article continues shall be a new and separate violation. Any person cited and convicted of three or more infractions of this article shall be permanently barred from the use of or entrance to a Skate Park.

(b) In addition to the penalties so described, any police officer or other person authorized to issue citations shall have the authority to impound any skateboard, bicycle, scooter or roller skates of a person found violating this article. Upon impoundment of any skateboard, bicycle, scooter, roller skates as provided herein, the owner of such device shall be issued a receipt. Said receipt shall state the hours, location, time frame and manner for claiming the impounded skateboard bicycle, scooter, roller skates, as provided in subparagraph (1) and (2) of this paragraph.

(1) Upon presentation of the receipt, the owner may claim the impounded skateboard, bicycle, scooter, roller skates at the police department during business hours. If the owner is a minor, such owner may claim the impounded skateboard, bicycle, scooter, roller skates if accompanied by a parent or guardian. No fee may be assessed on the owner, parent or guardian.

(2) If the impounded skateboard, bicycle, scooter, roller skates is/are not claimed within sixty (60) days after the date of impoundment, the City may dispose of the item(s) by destruction or public sale at auction.

(c) Any provision of this Code or appendices thereto inconsistent with the provisions of this article, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this article.

(d) If any section, subsection, paragraph, sentence, clause, phrase or portion of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.”

Section 2. Section 12-21 of Chapter II of Title 12 of the Costa Mesa Municipal Code is hereby repealed in its entirety.

Section 3. Publication.

This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall

be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this 19th day of April, 2005.

ATTEST:

Deputy City Clerk of the City of Costa Mesa

Mayor of the City of Costa Mesa

APPROVED AS TO FORM

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-5 was introduced and considered section by section at a regular meeting of said City Council held on the 5th day of April, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the 19th day of April, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 20th day of April, 2004.

Deputy City Clerk and ex-officio Clerk of
the City Council of the City of Costa Mesa