



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 5, 2005

ITEM NUMBER:

SUBJECT: ORDINANCE SETTING REGULATIONS FOR THE USE OF PUBLIC SKATE PARKS

DATE: MARCH 23, 2005

FROM: ADMINISTRATIVE SERVICES - RECREATION

PRESENTATION BY: STEPHEN N. MANDOKI, ADMINISTRATIVE SERVICES DIRECTOR

FOR FURTHER INFORMATION CONTACT: JANA RANSOM, RECREATION MANAGER 754-5300

RECOMMENDATION:

Give first reading to Ordinance No. 05-___, which adds Article 1 of Chapter 11 of Title 12, of the Costa Mesa Municipal Code, relating to the use of public skate parks.

BACKGROUND:

In November 2004, the City broke ground on the first permanent skate park in Costa Mesa. With a proposed opening in early Summer 2005, the City must modify the Municipal Code to set rules and regulations for the use of public skate parks in the City. This ordinance is intended to regulate the use of all permanent public skate parks. It is not intended to establish operational parameters (staffing, hours of operation, etc). Skate park operations will be presented to City Council at the April 5th, 2005 regular meeting.

ANALYSIS:

Under Title 12, Chapter 2, Sec 12-21, the Municipal Code does discuss the use of safety equipment at skate parks (Attachment 1). This language was written prior to planning and construction of the TeWinkle Park skate park construction. However, this language is insufficient to regulate a large permanent skate park operation. Skate parks are very popular facilities and it is necessary for the City to establish rules and regulations to provide a safe environment for participants, spectators, and neighbors. The ordinance (Attachment 2) will set the park rules and regulations but is also necessary to allow for enforcement of the rules by the Police Department, Park Rangers and other City Staff. In conjunction with the ordinance, the City will post general and courtesy rules at several locations around the park to inform participants and spectators on the proper use of the facility, and general park behavior. The rules sign (Attachment 3) is drawn from those regulations established in the ordinance.

California Codes do provide public entities that operate skate parks with limited immunity from liability for injuries sustained at the public skate park if certain conditions are met. California Government Code Sect 831.7 states:

“Neither a public entity nor a public employee is liable to any person who participates in a hazardous recreational activity, including any person who assists the participant, or to any spectator who knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury to himself or herself and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or persons arising out of that hazardous recreational activity.”

California Health and Safety Code 115800 specifically lists skate boarding as a Hazardous Recreational Activity. In order for the immunity to be granted, California Health and Safety Code 115800 states:

“With respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of recreational skateboard use, and that is not supervised on a regular basis, the requirements ... may be satisfied by compliance with the following:

(1) Adoption by the local public agency of an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads.

(2) The posting of signs at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph (1)”.

The attached ordinance and sign are intended to comply with the California Codes.

Further discussion of the skate park operations, liability, staffing, etc. will occur at the April 5th City Council meeting. Staff will bring forward a separate report on Skate Park Operations.

ALTERNATIVES CONSIDERED:

No alternatives are presented at this time. The existing language in the Costa Mesa Municipal Code is insufficient to regulate the skate park. Council may choose to modify the language within the proposed ordinance and information sign, however, in order to effectively regulate the skate park, allow for Police Department enforcement of the rules and comply with California Codes granting limited immunity, staff recommends adoption of the ordinance, as proposed or modified.

FISCAL REVIEW:

No fiscal review is necessary for this item.

LEGAL REVIEW:

The City Attorney’s Office has written and reviewed the documents and approved them as to form.

CONCLUSION:

Give first reading to Ordinance No. 05-___, which adds Article 1 of Chapter 11 of Title 12, of the Costa Mesa Municipal Code, relating to the use of public skate parks.

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Assistant City Manager
City Attorney
Chief of Police
Public Services Director
Maintenance Services Manager
Recreation Supervisor (2)

ATTACHMENTS: 1 [Existing Municipal Code Language on Skate Parks](#)
2 [Proposed Ordinance 05-_____](#)
3 [Proposed Informational/Rules Sign](#)