

City of Brisbane
Agenda Report

TO: Mayor and City Council
FROM: City Attorney and Director of Parks and Recreation
SUBJECT: Skateboard Parks – Required Safety Equipment
DATE: For Council Meeting on February 5, 2009

City Council Goals:

To develop recreational facilities and promote recreation, educational and cultural programs and passive uses related to parks. (6)

Purpose:

To comply with state law requirements that certain safety equipment be worn by persons using the City operated skateboard park.

Recommendation:

Introduce Ordinance No. 536, adding Chapter 8.44 to the Brisbane Municipal Code concerning skateboard parks.

Background:

Section 115800 of the California Health and Safety Code provides that no operator of a skateboard park shall permit any person to use the facility unless that person is wearing a helmet, elbow pads, and knee pads. In the case of a skateboard park which is operated by a public facility and is *not* supervised, the state law can be satisfied by adopting an ordinance requiring that safety equipment be worn and posting signs giving notice of such requirement and advising that persons who fail to comply will be subject to citation. If a public agency adopts these measures, the skateboard park will be deemed a "hazardous recreational facility" and the agency will be entitled to certain limited immunities from liability.

Until recently, there were a few small skateboard ramps at the City-owned park at the corner of Park Lane and Old County Road but the property was mainly improved as a basketball court. However, with the construction of the larger skateboard ramp, this facility would now clearly be classified as a skateboard park. Signs requiring safety equipment have already been posted, but the City has not yet

equipment have already been posted, but the City has not yet adopted the local ordinance which is needed in order to obtain the limited immunities provided by state law.

Discussion:

Ordinance 536 requires all users of the City-operated skateboard park to wear a helmet, elbow pads and knee pads at all times while riding a skateboard at the park. The state law does not prescribe any particular penalties for violation of the ordinance so the fines set forth in Paragraph (a) of Section 8.44.030 are only the recommendations by staff and may be changed if the Council believes that any different amounts are more appropriate. Similarly, the state law does not address other remedies, such as expulsion of violators from the park for any particular period of time, and the provisions in Paragraph (b) of Section 8.44.030 may also be changed if the Council so desires.

Fiscal Impact:

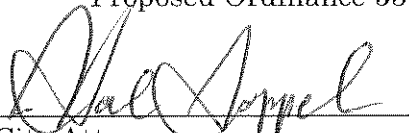
There will be a nominal cost for installing new signs that contain a specific reference to Section 8.44.010 of the Brisbane Municipal Code.

Measure of Success:

Success in this case would be measured by a negative – i.e. the absence of injuries resulting from the failure to wear a helmet, elbow pad or knee pads at the skateboard park.

Attachments:

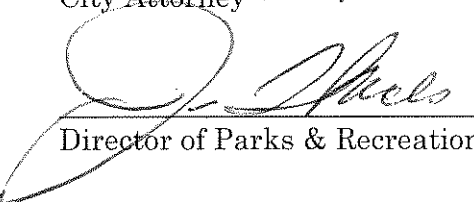
Proposed Ordinance 536.



City Attorney



City Manager



Director of Parks & Recreation

ORDINANCE NO. 536

AN ORDINANCE OF THE CITY OF BRISBANE
ADDING CHAPTER 8.44 TO THE MUNICIPAL
CODE CONCERNING SKATEBOARD PARKS

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: A new Chapter 8.44 is added to Title 8 of the Municipal Code, to read as follows:

Chapter 8.44
SKATEBOARD PARKS

Sections:

- 8.44.010 Requirement for safety equipment.
- 8.44.020 Posting of signs.
- 8.44.030 Penalties for violation of Chapter.

§8.44.010 Requirement for safety equipment.

Every person riding a skateboard at a skateboard park owned and operated by the City shall wear a helmet, elbow pads, and knee pads at all times while riding his or her skateboard.

§8.44.020 Posting of signs.

The City Director of Parks and Recreation shall cause signs to be posted at the skateboard park affording reasonable notice to persons using the park of the requirement for wearing a helmet, elbow pads, and knee pads, and that any person who fails to comply with such requirements will be subject to the penalties prescribed by this Chapter.

§8.44.030 Penalties for violation of Chapter.

(a) Any person who violates the requirements of this Chapter shall be guilty of an infraction and upon conviction thereof shall be subject to a fine of not more than twenty-five dollars (\$25) for the first offense, not more than fifty dollars (\$50) for the second offense committed within a twelve (12) month period, and not more than one hundred dollars (\$100) for the third and any additional offense committed within a twelve (12) month period.

(b) The City Director of Parks and Recreation and any authorized member of his or her staff, and any police officer, shall have authority to immediately expel from the skateboard park any person found to be violating the

requirements of this Chapter and to prohibit such person from re-entering the park for a period not exceeding seven (7) days. Any person who is found, on three (3) or more occasions, to have violated the requirements of this Chapter, may be banned from use of the skateboard park for such period of time up to a maximum of ninety (90) days, as determined by the enforcement officer.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

A. Sepi Richardson, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:


Harold S. Toppel, City Attorney