

ORDINANCE NO. 1159

**AN ORDINANCE REVISING FOLSOM MUNICIPAL CODE
CHAPTER 9.69 USE OF SKATE PARKS**

The City Council of the City of Folsom does hereby ordain:

SECTION 1 PURPOSE

The Purpose of this ordinance is to revise Chapter 9.69 in Title 9 of the Folsom Municipal Code pertaining to Use of Skate Parks. Chapter 9.69 will be amended to include bicycles or similar two-wheeled devices and scooters or similar wheeled devices in the city's skate park as permitted by the director of parks and recreation or his/her designee.

SECTION 2

Chapter 9.69 of the Folsom Municipal Code is hereby amended to read as follows:

9.69.010 Title.

This chapter shall be known and cited as "The Use of Skate Parks."

9.69.020 Purpose.

The city council finds and declares that the purpose of this chapter is to promote the public peace, welfare, health and safety of persons in the city by establishing regulations for the use of city skate parks and to provide an accessible place for people to skate, skateboard, roller skate, ride bicycles, and participate in similar activities, in a clean and enjoyable environment.

9.69.30 Definitions.

"Bicycles" means a human-powered, pedal-driven, single track vehicle having two (2) wheels attached to a frame one behind the other. For the purposes of this chapter the bicycle wheel shall be a minimum of sixteen inches (16") inches.

"Roller skates" means any shoe, boot or other footwear to which one (1) or more wheels are attached. This definition includes, but is not limited to, inline skates and roller blades. Scooters or similar wheeled devices may be permitted by the director of parks and recreation, or his/her designee.

"Safety equipment" means helmet, elbow pads and kneepads, which are suitable safety devices, functional and protective, properly sized and designed for their intended use at a skate park.

"Skateboard" means a platform of any dimension or size to which two (2) or more wheels are attached and which is intended to be human propelled and ridden by one (1) or more persons standing, crouching, or kneeling upon it to which there is not affixed any seat or any other device

or mechanism to turn and control the wheels.

"Skating" means the use of skates, roller skates, in-line skates, skateboard or similar wheeled devices.

"Skate park" means any public recreation facility, structure, or area which has been specifically designed and built to provide skating opportunities to persons using either skates, skateboards or roller skates, or similar wheeled devices, or bicycles, if permitted by the director of parks and recreation or his/her designee, and which has been designated as a skate park by resolution of the city council.

9.69.40 Skate park--Safety equipment.

Skating and bicycling is a hazardous recreational activity. Because of the particular design features of a skate park, skating, or riding bicycles used to perform tricks and stunts, at a skate park is considered a stunt, trick or luge activity. All persons skating, or bicycling, in a skate park do so at their own risk.

Any person entering, using or remaining in a skate park shall wear safety equipment as set forth in Section 9.69.050(C) for skating or Section 9.69.050(D) for bicycling. Failure to wear safety equipment shall be deemed a violation of this chapter and will subject violators to the penalties set forth in Section 9.69.090.

9.69.50 Skate park regulations.

All persons using skate parks within the city shall comply with the following rules and regulations:

A. The skate park shall have fixed hours of use. No person shall use the skate park at times other than the times posted at the skate park.

B. The skate park shall only be used for skating, except as otherwise may be permitted by the director of parks and recreation or his/her designee.

C. No person shall enter, use or remain in the fenced area designated for skating within a skate park unless they wear proper safety equipment for skating including a helmet, elbow pads, and kneepads. All such safety equipment must be suitable safety devices, functional and protective, properly sized and designed for its intended use at the skate park. Helmets shall conform to state standards relating to bicycle safety helmets. People who are teaching or coaching beginner skaters, and who are not skating are required to wear a safety helmet while in the skate park.

D. No person shall enter, use or remain in the fenced area generally designated for skating, for the purpose of bicycling, unless they wear proper safety equipment which is a helmet. Helmets shall conform to state standards relating to bicycle safety helmets. Pegs shall either be removed or be made of plastic. Metal pegs are prohibited in the skate park.

E. No spectators are allowed in the fenced area of the skate park except persons teaching or coaching beginner skaters or bicyclists.

F. The skate park is a designated children's playground area. No alcohol or tobacco are permitted.

G. No person shall cause graffiti or tagging or place stickers or decals in the skate park or

anywhere in the surrounding park areas.

H. Safe and courteous skate park use is required. No person shall skate, or use any skateboards or skates or bicycles in a skate park in an unsafe or reckless manner or with willful disregard for the safety of persons or property.

I. No person shall skate or bicycle on curbs, fences, railings, walls, benches, tables, and/or driveways of the city owned area surrounding the skate park.

J. Food and drink are prohibited in the skate park except in designated eating areas.

K. Structures, obstacles or other materials (ramps, jumps) may not be brought into the skate park.

L. No audio earphones, headphones, or cell phones shall be used while skating or bicycling. Amplified sound systems are not permitted in the skate park. The director of parks and recreation or his/her designee may authorize the use of amplified sound for special events; however, such authorization shall only be effective if obtained in advance and in writing.

M. No skating or bicycling is allowed when skate park surfaces are wet.

N. All skating or bicycling contests, events, or organized exhibitions of any kind must have prior written approval from the director of parks and recreation or his/her designee.

O. No animals are allowed in the skate park.

P. Bicycling is only permitted at those times permitted by the director of parks and recreation or his/her designee.

Q. Call 911 for immediate medical attention. Report all injuries to the parks and recreation department (916) 355-7285.

9.69.060 Closing skate park.

A. The director of parks and recreation, or his/her designee, may close the skate park whenever it is determined that such closure is necessary, or may promulgate other rules as necessary, for the protection of public property or for public safety.

B. The director of parks and recreation, or his/her designee, as recommended by the Parks & Recreation Commission, may close the skate park to skaters and permit bicycles exclusive use of the skate park for limited periods of time each week.

9.69.70 Signing and posting.

The director of parks and recreation, or his/her designee, shall place and post signs in one (1) or more conspicuous and visible area(s) of the skate park, stating that all persons entering, using, or remaining in the skate park for the purposes of skating activities must wear a helmet, elbow pads and knee pads, and all persons entering, using, or remaining in the skate park for the purposes of bicycling, when permitted, must wear a helmet (Folsom Municipal Code Section 9.69.040) and that any person failing to do so will be subject to citation and penalties pursuant to Folsom Municipal Code Sections 9.69.080 and 9.69.090. Additional signage shall summarize the skate park regulations set forth in Section 9.69.050.

9.69.080 Enforcement.

A. Except as otherwise set forth herein, this chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of this code.

B. The chief of police or his/her designee, director of parks and recreation or his/her designee or designated city employees pursuant to Sections 1.09.020 and 1.13.030 of this code

shall enforce the provisions of this chapter.

9.69.090 Penalties.

A. A violation of this chapter shall be an administrative violation as defined in Section 1.08.020 of this code. A violation of this chapter by a person under the age of 18 shall result in the issuance of a notice of administrative violation against the parent or legal guardian as provided for in Section 1.09.028 of this code. In addition to enforcement by any procedure set forth in Chapters 1.08 to 1.10, inclusive, the violation of this chapter shall be punishable as an infraction, which shall be punishable by a fine not to exceed \$500.

B. Each of the sanctions available for administrative violations identified in Section 1.09.013 of this code shall be available for enforcement of the provisions of this chapter. In addition to the sanctions set forth in Chapter 1.09, the chief of police or his/her designee, the parks and recreation department director or his/her designee, or any other city employees authorized to enforce the provisions of this chapter shall have the right to:

1. Impound and retain possession of any skateboards, roller skates, bicycles, or similar devices, which are being used or operated in violation of the provisions of this chapter until satisfactory assurance is given that the provisions of this chapter are complied with or for a period not to exceed 30 days, whichever is sooner;

2. Suspend use of the skate park for a period not to exceed 1 year; or

3. Any combination of allowed sanctions and penalties which the enforcement authority deems appropriate under the circumstances.

C. In addition to any criminal penalty set forth in subsection A, based upon the criteria for the imposition of administrative sanction set forth in Section 1.09.014 of this code, a violation of a provision of this chapter shall be deemed a Level A violation, as that term is defined in Section 1.09.012. The range of monetary sanctions available for violation of this chapter shall be as set forth in Section 1.09.012(A).

9.69.100 Enforcement procedures.

A. Prior to the assessment of any administrative monetary sanctions, impoundment of equipment or suspension of use of the skate park, or the commencement of any other administrative enforcement action pursuant to this chapter, the enforcement authority shall follow the procedures set forth in Chapter 1.09. The rights to judicial review set forth in Sections 1.09.050 through 1.09.059, inclusive, of this code shall apply.

B. A notice to correct shall not be required to commence the administrative hearing procedures set forth in Title 1 of this code. Pursuant to Section 1.09.024(A), a notice of administrative violation shall be issued in accordance with the provisions of Section 1.09.027.

SECTION 3

Except as set forth in this ordinance, all other provisions of Chapter 9.69 remain in full force and effect.

SECTION 4 SEVERABILITY

In any section, subsection, clause, phrase, or portion of this ordinance 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 ordinance. The City

Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City of Folsom.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 27, 2012, and the second reading occurred at the regular meeting of the City Council on April 10, 2012.

On a motion by Council Member Starsky, seconded by Council Member Morin, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 10th day of April 2012 by the following vote, to wit:

AYES: Council Member(s): Sheldon, Starsky, Miklos, Morin, Howell

NOES: Council Member(s): None

ABSENT: Council Member(s): None

ABSTAIN: Council Member(s): None


Kerri M. Howell, MAYOR

ATTEST:


Christa Saunders, CITY CLERK

Effective: May 10, 2012