

ORDINANCE NO. 763

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA AMENDING CHAPTER 12.24 AND CHAPTER 10.62 OF THE CARPINTERIA MUNICIPAL CODE TO ADD REGULATIONS PERTAINING TO SKATEBOARD AND SKATE USE AT CARPINTERIA SKATE PARK AND TO AMEND REGULATIONS PERTAINING TO SKATEBOARD AND SKATE USE CITY-WIDE

WHEREAS, the city of Carpinteria (“City”) is opening a publicly operated skate park located at 5781 Carpinteria Avenue, Carpinteria California.

WHEREAS, the City has determined it is necessary to amend existing regulations related to publicly-owned or publicly-operated skateboard facilities, and harmonize such regulations with regulations pertaining to skateboard and skate use city-wide.

WHEREAS, skateboarding, skating and other similar recreational activities on public property, including but not limited to the Carpinteria Skate Park, are “hazardous recreational activities” under state law and create a substantial risk of serious injury or death to participants and spectators. The City of Carpinteria hereby implements State law requirements to absolve itself of liability for injuries incurred by persons participating in or observing these hazardous recreational activities.

WHEREAS, in conformity with Health and Safety Code Section 115800 and California Government Code Section 831.7, the City:

1. Designates the Carpinteria Skate Park, located at 5781 Carpinteria Avenue, a recreational area in which skateboarding and skating is permitted; and,
2. Shall post notice advising the public that skateboarding, skating, and other similar recreational activities in the designated facility are deemed a hazardous recreational activity to participants and spectators and that the City shall not be liable for injuries incurred by participants or spectators. Any person(s) entering the facility must wear Safety equipment as defined in the City’s ordinance and assumes all risk of injury.

NOW THEREFORE, the City Council of the City of Carpinteria does ordain as follows:

SECTION 1. Incorporation of Recitals.

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. Amendment to Code.

Chapter 10.62, of Title 10 of the Carpinteria Municipal Code is hereby amended to read as follows, the text and strikeout of which is attached hereto as Exhibit A:

10.62 - Skateboarding and Skating

10.62.010 - Definitions.

As used in this chapter:

A. "Skates" and "skating" refers to a shoe with metal frame that can be fitted to the sole of a shoe, or similar device with wheels attached. This includes roller skates and in-line skates.

B. "Skateboard" and "skateboarding" refers to a deck board or other surface mounted on wheels for the purpose of personal locomotion, sporting activity or similar purpose.

10.62.020 - Prohibitions.

Except as provided in this chapter, no person shall ride or propel a skateboard or engage in skating upon any public street, or upon city sidewalks, parkways, walkways or public ways or easements maintained for purposes of ingress, egress, and passage by the public in the following locations:

- A. Linden Avenue between Carpinteria Avenue and the railroad tracks;
- B. In public parking facilities, public parking lots, or other public areas which are posted with signs prohibiting skateboarding and/or roller skating.

10.62.030 - Publicly-owned or publicly-operated skateboard facilities.

For rules and regulations pertaining to publicly-owned or publicly-operated skateboard facilities please refer to Chapter 12.24.101 of this code.

SECTION 3. Addition to Code.

Title 12, "Streets, Sidewalks, and Public Places," of the Carpinteria Municipal Code is hereby amended by the addition of Chapter 12.64.101, "Skatepark Rules and Regulations," to read as follows:

12.64.101 Skatepark Rules and Regulations.

A. For the purposes of this section, the following definitions shall apply:

- 1. "Skates" and "skating" refers to a shoe with metal frame that can be fitted to the sole of a shoe, or similar device with wheels attached. This includes roller skates and in-line skates, as defined at chapter 10.62.010(A) of this code.

2. "Skateboard" and "skateboarding" refers to a deck board or other surface mounted on wheels for the purpose of personal locomotion, sporting activity or similar purpose, as defined at chapter 10.62.010(B) of this code.
 3. "Safety equipment" means, at a minimum, helmets, elbow pads and knee pads suitable to provide protection in the event of falls or collisions. Such equipment must be worn in the Carpinteria Skate Park at all times.
 4. "Skate park" means Carpinteria Skate Park, located at 5781 Carpinteria Avenue in Carpinteria, California.
 5. "Skating area" means those areas of the skate park designed and intended for use by persons riding skateboards or skates, and which shall be designated by signs.
 6. "Special event" means a festival, concert, or other social event that is authorized by a Special Event Permit issued by the City as outlined at chapter 10.68.
- B. City staff reserves the right to exempt special event participants from certain rules in this section for the duration of the special event.
- C. The skate park is a "public park" and rules and regulations pertaining to "public parks" at chapter 12.24 shall be applicable to the skate park. Use of the skate park is also subject to the following additional rules which are adopted for the reasonable protection to individuals and property:
1. All persons riding skateboards or skates within the skate park must wear safety equipment in accordance with the safety equipment manufacturer's recommendations. The safety equipment must be in a serviceable condition. Reasonable notice shall be posted at the skate park to the effect that any person riding or using a Skateboard or Skates in such park must wear a helmet, elbow pads, and knee pads, and that failing to do so is in violation of this Chapter and subject to citation as an infraction under Chapter 1.08 of the Carpinteria Municipal Code.
 2. Only non-motorized skateboards and skates are allowed in the skate park. Prohibited devices include, but are not limited to, bicycles, scooters, and any motorized device whether electric or gas powered.
 3. No person shall use, consume or possess food or beverages in the skating area. Only plastic or metal water bottles are allowed in the skate park.
 4. No person shall use, or be under the influence of, alcohol, controlled substances, cannabis, or other mind-altering drugs while using the skate park.

5. No smoking (including vaping), or disposal of any cigarette, cigar, or tobacco-related product is allowed within the skate park.
6. No animals, including dogs or other pets, are allowed in the skate park, unless they are "service animals" as defined under Title II of the Americans with Disabilities Act (ADA) at 28 CFR § 35.136.
7. In addition to the prohibited items listed at chapter 12.24.020(5), no person shall have a dangerous weapon in his or her possession in the skate park. Dangerous weapons shall include but not be limited to guns, knives, bats, clubs, or martial arts weapons.
8. In addition to the prohibitions listed at chapter 12.24.020(4), 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.
9. All persons shall skateboard or skate only in the skating area and shall not skateboard or skate in the parking areas, plaza area, walkways, on tables or benches or on the driveways of the skate park.
10. Skate park age restrictions for users may be established by City Council resolution.
11. No personal amplified music devices are permitted in the skate park.
12. No person shall introduce, employ or use any unauthorized equipment, obstacle or apparatus including, but not limited to, ramps or jumps within the skate park.
13. 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 participants or spectators at the skate park.
14. All organized events, such as birthday parties and picnics, require a permit as outlined in Chapter 12.24.022 and Chapter 12.24.020(22) of this code.
15. Commercial filming activities require a permit as outlined in Chapter 5.72 of this code.
16. Commercial sales fitting the definition of peddler per Chapter 5.60.020(E) require a peddler's permit and approved location permit as outlined in Chapter 5.60 of this code.

17. All other commercial activities require permission from the Director of Parks Recreation and Public Facilities, which may be provided or withheld at the Director's sole discretion, and may at the Director's sole discretion require approval from City Council.
18. Skateboarding and skating are prohibited when the skating area is wet.
19. No person shall skateboard or skate in the skating area when there is property damage that might pose a danger to participants in the skating area. Property damage should be reported immediately to the Parks and Recreation Department.
20. Skate park hours are as posted. No entry is allowed at other times unless authorized by the City for a special event. Skate park hours will be adopted by City Council Resolution. City staff reserves the right to close the skate park whenever it determines that such closure is necessary for any reason including safety, maintenance, inclement weather, or gross violations of the rules and regulations.
21. The skate park will close in times of rain, thunder, lightning, or other inclement weather and will remain closed until surfaces are dried. If the park closes due to inclement weather within two hours of its published closing time, it will remain closed for the evening.
22. No person shall skateboard or skate at any times other than those established as the skate park hours.
23. Anyone caught in the skate park while closed will be prosecuted for trespassing. Trespassing is a class one misdemeanor punishable by 12 months in jail and/or a fine pursuant to CA Penal Code section 602.
24. The City will develop a system for maintaining records of all known or reported skateboarding and skating injuries in the skate park in accordance with Health & Safety Code § 115800.
25. Penalties for violation of skate park regulations can be a simple infraction or misdemeanor (criminal) violation, as defined at Carpinteria Municipal Code Chapter 1.08, at the discretion of the city attorney or district attorney. Typically, a person seen violating any regulation will either be advised to cease their activity or be issued a citation to appear in court in accordance with the procedure outlined in Carpinteria Municipal Code Chapter 1.12.
26. Any person who violates this Chapter shall, in addition to any other criminal or civil penalties provided by this Code, be subject to removal from the skate park

for up to twenty-four (24) hours, upon the order of any authorized employee or officer of the City. Any person convicted of three or more infractions of this article shall be permanently barred from the use of or entrance to the skate park.

- D. The city manager or his/her designee, shall have the authority to develop administrative policies to implement the intent of this chapter. The city council may, from time to time, consider modifications to the administrative policies.

SECTION 4. Records.

The City Manager, or designee, shall maintain a record of all known or reported injuries incurred by a person riding a skateboard in a public skateboard park or facility. The City shall also maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the public agency in accordance with Health and Safety Code section 115800.

SECTION 5. Severability.

These Chapters and the various sections thereof are severable. Should any part of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declared that it would have passed and adopted this Ordinance, and each and every provision hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6. Effective Date.

This ordinance shall take effect and be in force thirty (30) days from and after its passage; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the City Council voting for and against the same in a newspaper of general circulation, published in the City of Carpinteria.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2023 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

Mayor, City of Carpinteria

ATTEST:

Brian C. Barrett, CMC, City Clerk
City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the _____, 2023

Brian C. Barrett, CMC, City Clerk
City of Carpinteria

APPROVED AS TO FORM:

Jena S. Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney for the City of Carpinteria