ORDINANCE NO. 21-970

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, CALIFORNIA, ADDING CHAPTER 3.78 OF TITLE 3 OF THE CITY’S MUNICIPAL CODE PARK AND AMENDING SECTION 6.70.050 OF CHAPTER 6.70 OF TITLE 6 OF THE CITY’S MUNICIPAL CODE RELATING TO SKATE BOARDING IN THE CITY

WHEREAS, in April 1996, the City of La Puente (“City”) adopted regulations to restrict the use of skate boards and roller skates in the City through Ordinance No. 732; and

WHEREAS, the City anticipates opening and dedicating a skate park (“Skate Park”) for the purpose of skate boarding and other forms of recreation using non-motorized, wheeled devices; and

WHEREAS, skate boarding and other forms of recreation using non-motorized, wheeled devices are inherently hazardous recreational activities; and

WHEREAS, as the January 26, 2021 regular City Council meeting, the City Council adopted Urgency Ordinance No. 21-969 to immediately regulate the use of Skate Parks in the City; and

WHEREAS, the City desires to adopt and publish permanent regulations and guidelines for the use of the Skate Park to apprise the public of risks associated with use of the Skate Park; and

WHEREAS, the City desires to adopt and publish permanent regulations and guidelines for the use of the Skate Park to limit its liability associated to the public’s use of the Skate Park.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA PUENTE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2. La Puente Municipal Code Chapter 3.78 Amendment.

A new Chapter 3.78 of Title 3 of the La Puente Municipal Code is hereby amended to read in its entirety as follows:
Chapter 3.78  Skate Park

3.78.010  Purpose.
The purpose of this chapter is to provide regulations governing the conduct of the City’s public skate park facility users and to insulate the City from liability associated with potential injury arising from skate park users’ participation in an inherently hazardous recreational activity.

3.78.020  Definitions.
For the purpose of carrying out the purpose of this chapter, words, phrases, and terms used herein shall have their ordinary meaning, unless otherwise indicated as follows:

“Department” means the City of La Puente’s Department of Community Services.

“Director” means the Director of Community Services, or his/her designee.

“Other wheeled recreational device” means nonmotorized bicycles, scooters, inline skates, roller skates, or wheelchairs being used for recreational purposes.

“Public skate park facility” means any public facility or structure that is designed for, owned, operated, and maintained by the City of La Puente, in use of skate boards and other wheeled recreational devices are permitted pursuant to the provisions of this chapter, and which has been designated as a “public skate park facility” by resolution of the City Council.

“Skate board” means any platform of any composition or size to which two or more wheels are attached and which is intended to be ridden or propelled by one person standing or kneeling upon such platform and containing no steering apparatus.

“Skate activity” means the use of a skate board or other wheeled recreational device.

“Skater” means any person engaged in a skate activity.

3.78.030  Protective Gear Required.
All skaters must wear a safety helmet, elbow pads, and kneepads while engaging in any skate activity in a public skate park facility. All such protective gear must be functional and protective, properly sized, and designed for their intended use at said facility.

3.78.040  Prohibited Conduct.
It shall be unlawful for any person do engage in the following activities at a public skate park facility:

(a)  No person shall be allowed to perform any skate activity at times other than those established by the director or his/her designee.
(b) No person shall use a public skate park facility for uses other than skate activity.

(c) No person shall use or enter the fenced area of a public skate park facility unless they wear proper safety equipment, including a helmet, elbow pads, and kneepads. All such safety equipment must be functional and protective, properly sized, and designed for its intended use at the public skate park facility.

(d) No person shall ride or use any items other than skate boards or other wheeled recreational device.

(e) No person, other than a skater, is permitted within the skating surface of any public skate park facility, except that spectators may sit or stand in areas designated for that purpose.

(f) No person shall ride or use any skate board or other wheeled recreational device in a reckless manner or with willful disregard for the safety of persons or property, or cause anyone with such items to be ridden or used in such a reckless manner.

(g) No person shall place, affix or utilize any obstacles or other materials within a public skate park facility that are not affixed thereto by the department for recreational purposes.

(h) No skate activity is permitted on the curbs, sidewalk, fences, railings, seating area, or walls of any City-owned structure.

(i) No person shall conduct organized activities, events, or competitions on any public skate park facility without the prior written approval from the Director or his/her designee.

(j) A public skate park facility shall not be used if a hazardous condition exists, including but not limited to, inclement weather conditions and significant cracks, breaks or other irregularities in the skating surface of a public skate park facility.

(k) No person shall litter in a public skate park facility. All persons using a public skate park facility must place any trash, cans, bottles, papers, or waste of any kind they create or bring to a public skate park facility in refuse containers provided by the City. If no refuse container is provided by the City, each person shall be responsible for removing and disposing of such items in an appropriate manner.

(l) No person shall possess or use alcohol or drugs in the public skate park facility.

(m) No person shall use a public skate park facility while under the influence of alcohol or drugs that would impair the person’s judgment or motor skills.

(n) No person shall allow or cause glass containers of any kind to be brought into any public skate park facility.
(o) No person shall allow or cause graffiti or tagging in or around any part of the public skate park facility.

(p) No person shall allow or cause any animal of any kind to be brought into a public skate park facility.

3.78.050 Signage and Posting Requirements.
In order to provide reasonable notice to the public, the Director or his/her designee shall place and post signs in one or more conspicuous and visible area(s) of the public skate park facility, designating the facility, structure or area as a public skate park, specifying the rules and regulations established pursuant to this chapter, and the activities described as prohibited in this chapter.

3.78.060 Other Rules and Regulations.
The City reserves the right to eject anyone from the public skate park facility at any time for any reason. The Director may set forth any other rules and regulations for the use of a public skate park facility which he/she deems appropriate, provided that signs describing such rules and regulations are placed and posted pursuant to this chapter.

3.78.070 Violations and Penalties.
(a) Any violation of this chapter may be punishable as either a misdemeanor or an infraction.
(b) Repeat violators (i.e., having three or more violations) may be suspended or prohibited from using the facility.
(c) Repeat violations of this chapter may also constitute a public nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

Section 3. La Puente Municipal Code Chapter 6.70 Amendment.

Section 6.70.050 Chapter 6.70 of Title 6 of the La Puente Municipal Code is hereby amended to read in its entirety as follows:

6.70.050 Skateboard and roller skates prohibited in or on public facilities.

Except as otherwise expressly permitted, it is unlawful to ride or propel a skateboard or roller skates in or on any public facility in the city.

Section 4. CEQA Findings.

The City Council finds that the Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)
Section 5. Clerical Errors.

The City Council directs the City Clerk to correct any clerical errors found in this Ordinance including, but not limited to, typographical errors, irregular numbering and incorrect section references.

Section 6. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unenforceable, or unconstitutional.

Section 7. Effective Date.

In accordance with California Government Code section 36937, this Ordinance shall take effect and be in force thirty (30) days from passage and adoption.

Section 7. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published and posted as required by law.

PASSED, APPROVED AND ADOPTED this 23rd day of February, 2021, by the following vote:

AYES: COUNCILMEMBERS: Klinakis, Munoz, Argudo, Quinones
NOES: COUNCILMEMBERS: Lewis
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

[Signature]
Charlie Klinakis, Mayor

ATTEST:

[Signature]
Sheryl Garcia, City Clerk