

ORDINANCE NO. 1608

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADDING CHAPTER 12.29 TO TITLE 12 OF THE LA HABRA MUNICIPAL CODE SETTING REGULATIONS FOR USE OF DESIGNATED SKATEBOARDING AND IN-LINE SKATING AREAS AND DECLARING THE URGENCY THEREOF.

WHEREAS, the City's skate park is scheduled to open on April 8, 2002,

WHEREAS, certain regulations need to be adopted by ordinance in order to restrict the City's potential liability for use of the skate park,

WHEREAS, this ordinance is an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety,

WHEREAS, Health and Safety Code Section 115800 requires certain safety standards which mandates that owners or operators of Skate Parks require that any person using the park wear a helmet, elbow pads and knee pads, and

WHEREAS, the City of La Habra intends to regulate the use of its skate park facilities, in order to insure their proper use.

THE CITY COUNCIL OF THE CITY OF LA HABRA DOES ORDAIN AS FOLLOWS:

SECTION 1: That Title 12 of the La Habra Municipal Code is hereby amended as follows:

A) Chapter 12.29 is added as follows:

Chapter 12.29

SKATE PARKS

- 12.29.010 Purpose and Intent
- 12.29.020 Definitions
- 12.29.030 Skate Parks
- 12.29.040 Skate Park Regulations
- 12.29.050 Penalty for Violations

12.29.010 Purpose and Intent:

The purpose of this chapter is to promote the public peace, health, safety and general welfare of persons in the City by regulating the activity of skateboarding on public property which is accessible to the general public and to establish a Skate Park for people of all ages to skateboard and roller skate.

12.29.020 Definitions:

"Skate Park" shall mean any public facility that is designed for, and maintained by the City of La Habra for the purpose of recreational skate use. Skate Park does not include any adjacent area that is part of a public park, public right of way, or other public area that is specifically designed and used for skateboarding or roller skating activities.

"Safety Equipment" shall mean a helmet, elbow pads, and kneepads.

"Skateboard" shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power and which are not classified as bicycles or two wheel scooters.

"Roller Skates" shall mean any footwear or device which may be attached to the foot or footwear to which wheels are attached and such wheels may be used by the wearer for moving or propulsion including, but not limited to, in line skates commonly known as roller blades.

12.29.030 Skate Parks

The City Council may designate certain areas as a Skate Park. They will be designated by City Council Resolution and shall be posted with all signs currently required by the California Health and Safety Code Section 115800 et seq. or as such statutes may be amended.

All persons using a Skate Park are required to wear safety equipment. Failure to wear safety equipment shall be deemed to be a violation of this chapter and shall be subject to the penalty set forth in Section 12.29.050.

All Skate Parks shall have signs posted stating that all persons using the Skate Park shall wear safety equipment and that failure to do so may result in the issuance of a citation pursuant to La Habra Municipal Code Section 12.29.050.

The hours of operation of all Skate Parks shall be determined by the City Council by resolution and shall be posted at such Skate Park.

The City Council authorizes the Director of Community Services and the Director of Public Works to change the rules and regulations of the Skate Park at any time for the daily administration of the park.

12.29.040 Skate Park Regulations

It shall be unlawful for any person to:

- 1) Enter, remain in or use any skate park unless that person is wearing safety equipment while skating;

- 2) Use any skate park for any activity other than skateboarding, in-line skating or roller skating unless otherwise authorized by a permit issued by the Parks or Community Services Directors;
- 3) Consume any alcoholic beverage or be in possession of any open container of alcoholic beverage in any skate park; except that this provision does not apply to any act specifically prohibited or permitted by state law and thereby preempted from local regulation;
- 4) Skate, run, stand on, or jump from, or otherwise employ any exterior wall or fence surface of any skate park;
- 5) Use or be upon any skate park while wearing any audio headset;
- 6) Introduce, employ or use any unauthorized equipment, obstacle or apparatus not specifically permitted by this chapter within any skate park;
- 7) Enter or remain in any skate park with any food or beverage;
- 8) Play amplified music in any skate park, or on any public property adjoining any publicly-owned or publicly-operated skate park;
- 9) Use of profanity in any skate park;
- 10) Graffiti or tagging in any skate park;
- 11) Any behavior which is destructive to the skate park, harmful to others, or which interferes with other people's use of the skate park.

12.29.050 Penalty for Violations

A violation of this chapter or any provisions thereof is punishable as provided in Section 12.29.050 of the La Habra Municipal Code as follows:

- 1) Violations of this provision is an infraction punishable by
 - a) a fine not exceeding fifty dollars (\$50) for the first violation;
 - b) a fine not exceeding one hundred dollars (\$100) for the second violation of the same ordinance within one (1) year of a first violation;
 - c) a fine not exceeding one hundred and seventy-five dollars (\$175) for each additional violation of the same ordinance within one (1) year of a first violation.
- 2) Any violation of the provisions of this Chapter shall be deemed to be an infraction and punishable as such, notwithstanding the fact that at the discretion of the City or the District Attorney, the violation may be files as a misdemeanor.
- 3) Repeat violators of the park rules may be prohibited from using the facility .

- 4) Violations of any provisions of this chapter shall constitute a 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.

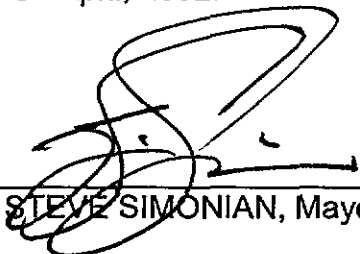
SECTION 2. The Park Department shall cause signs to be posted at the Skate Park providing reasonable notice of the requirements of this chapter and the penalties for failing to comply with the requirements of this chapter.

SECTION 3. Any provision of the La Habra Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, 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 of the City of La Habra 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, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

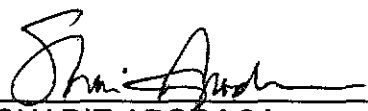
SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published in the manner required by law. This ordinance shall become effective immediately from and after its passage.

PASSED AND APPROVED this 15th day of April, 2002.



G. STEVE SIMONIAN, Mayor

ATTEST:



SHARIE APODACA
City Clerk

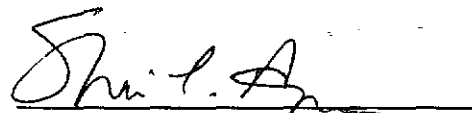
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Sharie L. Apodaca, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Urgency Ordinance No. 1608 introduced and adopted at a regular meeting of the City Council of the City of La Habra held on the 15th day of April, 2002 by the following vote:

AYES: COUNCILMEMBERS: ANDERSON, GARCIA, RUSH, ESPINOZA, SIMONIAN
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this 16th day of April, 2002.


Sharie L. Apodaca, City Clerk