

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council
FROM: Mary K. Lindley, Parks, Recreation & Community Services Director *me*
DATE: June 4, 2009 (CC Meeting of June 17, 2009)
SUBJECT: Consider Approval of Skate Park Rules and Regulations

BACKGROUND

The City is currently constructing a 14,000 ± square foot in-ground skate park as a part of the Poindexter Park expansion project. The skate park is expected to be open to the public in early November, 2009. Prior to the opening of the facility, rules and regulations for the use of the skate park need to be established. The skate park will be enclosed within a fence and it has been the City's intent all along to lock the facility at dusk. The City Council is being asked to approve the attached rules for the skate park. The proposed rules and regulations were reviewed by the Parks and Recreation Commission at their May 4, 2009 meeting.

DISCUSSION

The two issues of most importance to skate park users, the general public, and the City are: 1) supervision, and 2) use of bikes in the facility.

Supervision

While most everyone agrees that skateboarding is a potentially hazardous activity, when an injury occurs, individuals involved may look to place the blame on the facility owner, in this case the City. The California Joint Powers Insurance Authority (CJPIA) through which the City is insured, recommends that its member agencies not supervise their skate parks. Doing so has the potential of increasing exposure to liability. The presence of a staff person often gives users and/or parents an expectation that skaters are less likely to be injured and incidents are less likely to occur. When an incident or injury occurs, agencies are blamed and claimants seek compensation.

In an effort to lower risk of liability and provide some immunity, the State Legislature adopted legislation. In 1997, SB 1296 was passed, classifying skateboarding at public skate parks as a hazardous recreational activity under the California Health and Safety Codes (Section 115800). The legislation, as later amended in 2006, provides limited immunities from liability to government entities, provided specified conditions are met, including: person skateboarding is 12 years of age or older; the activity was a stunt, trick, or luge; for unsupervised facilities, the public agency must adopt an ordinance requiring the use of helmets, elbow and knee pads, and such requirements are posted; and for supervised facilities, the public entity must ensure that the aforementioned safety gear is worn. In 1998, the City adopted an Ordinance (MMC Chapter 8.34) requiring users of the City's skate park to wear a helmet, elbow pads and knee pads as required under the Health and Safety Code. Violations of MMC Chapter 8.34 are infractions.

Most skate parks in California are unsupervised due to the liability issue, as well as the cost of providing staff. Agencies depend on law enforcement to patrol skate parks to enforce rules, as well as self-policing from fellow skate park users. Agencies are encouraged to build their facilities in a highly visible area, giving law enforcement easy view of the facility from the street. The most common threat used by skate park owners to gain compliance with the rules is temporary closure of the skate park. There are some agencies that do provide supervision and some of those agencies also charge skate park users an admission fee. It's important to note that charging a fee for skate park use can also increase liability exposure. Under Government Code Section 831.7, the immunity provided for certain hazardous recreational activities does not apply if a fee is charged. Staff recommends that the skate park not be supervised.

Bikes

The CJPIA recommends that its member agencies not allow bikes, including BMX bikes, in their skate park facilities for liability reasons. It is their opinion that the potential for injury for anyone using the facility increases when bikes are included. If an agency elects to allow bikes, the CJPIA recommends that separate hours be designated for bikes and skaters to eliminate the increased risk. Bikes within a skate park are also not identified as a hazardous recreational activity under the Government Code. A large majority of the California skate parks ban bikes and scooters, allowing only skateboards and skates for liability reasons and to reduce the added wear and tear bikes create to the facility.

At the Parks and Recreation Commission meeting where this matter was discussed, there was one speaker who spoke in favor of allowing BMX bikes in the skate park. The Commission recommended that bikes not be allowed and that the issue could be revisited after the facility has been open for a period of time and there is a track

record of no significant behavioral or vandalism problems. Staff recommends that bikes not be allowed in the skate park

The City's current MMC limits the use of its skate park to those riding skateboards and in-line skates only. Staff recommends no change to this policy.

Staff proposes setting the hours of operation for the skate park as follows: when school is in session, 10 a.m. to dusk; all other times, 8 a.m. to dusk. The attachment to this Agenda Report provides a full listing of all the proposed skate park rules.

Upon the Council's approval of the skate park rules, staff will prepare an Ordinance for Council's consideration at a subsequent meeting. It is proposed that all violations of the skate park related rules and regulations be enforceable under the MMC as infractions.

FISCAL IMPACT

If the staff recommendation is approved, there is no fiscal impact. If the Council elects to have the skate park supervised, there will be staff costs. With no entrance fee, the full cost of supervising the facility will be borne by the General Fund.

STAFF RECOMMENDATION

Approve the staff proposed rules and regulations for consideration by the City Council.

Attachment A – Proposed Skate Park Rules

ATTACHMENT A

Skate Park Rules

- Skate park is open 10:00 a.m. to dusk when school is in session; 8:00 a.m. to dusk all other days, unless otherwise posted.
- City reserves the right to close the skate park to public use during City sponsored programs.
- Use of this facility is a voluntary, potentially hazardous recreational activity. This skate park is not supervised. Users and spectators voluntarily assume all risks and dangers associated with and incidental to this facility. The City of Moorpark will not be held liable for injuries incurred by users or spectators of this facility.
- Moorpark Municipal Code (MMC) Section 8.34, requires all users of the City's skate park to wear a helmet, elbow pads, and knee pads at all times while using the facility. Only skate boards and in-line or roller skates are allowed in the skate park (no bicycles, scooters, or motorized vehicles.) Violations are subject to a fine in accordance with MMC Section 1.10.
- Glass containers, food, and beverages are prohibited in the skate park.
- Animals are prohibited in the skate park.
- Alcohol, drugs, profanity, littering, smoking, weapons, inappropriate behavior and recklessness are prohibited.
- Additional elements including ramps, jumps, or other obstacles may not be brought into the skate park.
- Graffiti or other defacing of City property is prohibited. Such activity may result in the temporary closure of the facility and penalties in accordance with the MMC.
- No formal or organized contests or activities of any kind shall be held without the prior written approval of the City.
- Playing of amplified music is prohibited.
- Skate park is closed during rainy conditions, when surface is wet, or if hazardous conditions exist.
- Do not use the facility if hazardous conditions exist. Call 517-6200 to report any damage or hazardous conditions.
- Skating is permitted within the skate park and on concrete walkways only. Skating on any other park areas, including sports courts within the park

- is prohibited.
- Skate responsibly and within your own ability.
- All other City Ordinances, Rules, and Regulations apply and will be enforced.