

# ITEM 11.C.

## ORDINANCE NO. 382

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, DELETING CHAPTER 8.34, SKATE FACILITY, OF TITLE 8, HEALTH AND SAFETY, AND AMENDING CHAPTER 12.16, PARKS, TO REVISE THE CHAPTER TITLE TO PARKS, RECREATION FACILITIES AND OPEN SPACE, AND TO ADD A NEW SECTION 12.16.170, SKATE FACILITY, TO CHAPTER 12.16 OF TITLE 12 OF THE MOORPARK MUNICIPAL CODE

WHEREAS, the chapter title for Chapter 12.16 is proposed to be revised from Parks to Parks, Recreation Facilities and Open Space; and

WHEREAS Chapter 8.34, Skate Facility, is proposed to be deleted and revised skate facility code regulations are proposed to be incorporated into the newly titled Chapter 12.16, Parks, Recreation Facilities and Open Space, as Section 12.16.170, Skate facility.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. The title for Chapter 12.16 is hereby revised to read as follows: "Parks, Recreation Facilities and Open Space".

SECTION 2. Chapter 8.34, Skate Facility, of Title 8, of the Moorpark Municipal Code is hereby deleted and a new Section 12.16.170, Skate facility, is hereby added in its entirety to Chapter 12.16 to read as follows:

**"12.16.170 Skate facility.**

A. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them below:

"Protective gear" means helmet, elbow pads, and knee pads designed specifically for use by skateboarders and in-line skaters.

"Skate facility" means portable or permanent facility specifically established for use by skateboards and in-line skaters that may contain apparatuses and structures including, but not limited to, ramps, curbs, jumps, inclines, and declines, which skate facility is also designed and intended specifically for use by skateboarders and in-line skaters and is located on city property and maintained by the city.

B. Skate facility use requirements.

1. Only individuals riding skateboards and in-line skates are authorized to use the city's skate facility. No bicycles, scooters, or motorized vehicles are permitted to be operated in the skate facility.

2. All users of the city's skate facility must wear protective gear at all times while using said facility.

3. Skate facility age restrictions for users may be established by city council resolution.

4. With the exception of Section 12.16.010, Hours of operation, Section 12.16.020, Animal control, and Section 12.16.140, Requirement and enforcement of park rental permits, all other provisions of Chapter 12.16 are applicable to a skate facility.

5. Skate facility hours of operation and provisions for closure for city sponsored events or for potentially hazardous conditions shall be established by city council resolution, and hours of operation for a skate facility may vary from the hours of operation established by Section 12.16.010 for a public park, public open space or public recreation grounds.

6. No person owning or having charge, care, custody or control of any dog, livestock or other animal shall cause, permit or allow the same to be brought into, allow to be loose within, or run at large upon the skate facility. Even with a chain or leash, such animals are prohibited within the skate facility.

7. No private rental of a skate facility is permitted.

8. No formal or organized contests or activities of any kind shall be held in a skate facility with the exception of a City sponsored event.

9. Ramps, jumps, or other obstacles, equipment, or structures may not be brought into the skate facility, unless written approval is obtained from the city manager or his/her designee in conjunction with a City sponsored event.

10. All food and beverages are prohibited in a skate facility, unless written approval is obtained from the city manager or his/her designee in conjunction with a City sponsored event."

**SECTION 3.** If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or

portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star, a weekly newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 2nd day of September, 2009.

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Janice S. Parvin, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk