

ORDINANCE NO. 1252

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS
ADDING SECTION 7.22.130 TO CHAPTER 7.22 OF THE MUNICIPAL CODE
ESTABLISHING RULES AND REGULATIONS APPLICABLE TO THE USE OF
CITY SKATE PARK FACILITIES**

WHEREAS, skateboarding, roller-skating, and in-line or roller-blading are a common practice by persons upon the public right of ways, public grounds within the City; and

WHEREAS, Skateboarding and roller-skating (which includes in-line and roller-blading) on the public rights of way within the City creates the potential for property damage to public facilities and traffic accidents among the persons traveling in the public rights of way; and

WHEREAS, skateboarding and roller skating (which includes in-line and roller-blading) on public grounds within the City creates the potential for persons using skateboards or skates to run into members of the public, thereby causing peril to themselves and members of the public; and

WHEREAS, the public health, safety, and welfare require that individuals operating skateboards or roller skates (which include in-line and roller-blades) upon the public rights of way within the City follow general regulations to reduce hazardous conditions resulting from skateboarding or roller skating on the public rights of way, and public grounds within the City; and

WHEREAS, It is the purpose of this section to establish regulations for the safe use of designated skateboard/skating areas within the City of Perris.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS,
CALIFORNIA, DOES ORDAIN, AS FOLLOWS:**

Section 1. Recitals. The City Council of the City of Perris finds that the above recitals are true and correct and are incorporated herein by reference.

Section 2. Amendment to Chapter 7.22 of the Perris Municipal Code. Section 7.22.130 is hereby added to Chapter 7.22 of the Municipal Code to read in its entirety as follows:

Purpose.

It is the purpose of this Chapter to establish regulations for the safe use of designated skateboard/skating areas within the City of Perris.

Definitions.

For the purposes of this Section, words, phrases and terms used herein shall have their ordinary meaning, unless otherwise provided as follows:

(a) “Public Ground” means all areas devoted to public use in the City, including, but not limited to City parks, recreation centers, civic centers, public libraries, public auditoriums, fairgrounds, museums, public parking lots, and open spaces adjacent thereto.

(b) “Roller Skates” or “In-Line Skates,” including rollerblades, means any shoe, boot or other footwear to which one or more wheels are attached.

(c) “Skateboard” means any platform of any composition or size to which two or more wheels four inches or less in diameter are attached, which is intended to be ridden or propelled by one or more persons standing or kneeling upon it, and to which there is not affixed any seat or any other device or mechanism or control the wheels.

(d) “Skateboard/Skating Area” means a “public skateboard park” as that term is used in California Health and Safety Code Section 115800(d)(1), or any successor provision thereto, and includes any facility, structure or area designated by resolution of the City Council as a “skateboard/skating area” in which skateboarding, in-line skating and/or roller skating is permitted pursuant to the provisions of this Chapter.

Designated skateboard/skating areas.

The City Council may, from time to time, designate by a resolution certain areas as a skateboard/skating area.

Operation upon Public Grounds Prohibited.

It shall be unlawful for any person, while riding upon or propelling any skateboard, as defined herein, or while wearing roller skates, as defined herein, to go upon any public ground, public parking lot, or public structure if there is displayed in plain view on the property, a sign or signs prohibiting such riding.

Liability.

The use of any skateboard/skating area while engaging in stunt, trick or luge skateboarding or skating is a hazardous recreational activity within the meaning of California Government Code Section 831.7. Because of the particular design features of the skateboard facility, skateboarding at the facility is considered stunt, trick or luge skateboarding. Subject to the provisions of the code section, the City of Perris may not be held liable for an injury incurred by any person participating in any such hazardous recreational activity. Skateboard/Skating areas are not regularly supervised and all users assume all risks of injury in utilizing said areas.

Regulations applicable to the use of designated skateboard/skating areas.

(a) Persons under the age of twelve years old using a skateboard/skating area shall be accompanied by a parent or legal guardian.

(b) No person shall skate or skateboard, or otherwise be present within any skateboard/skating area, at times other than those established as the hours of operation. Hours of operation shall be posted. Said hours are subject to change without prior notice.

(c) No person shall use any skateboard/skating area for any use other than skateboarding and skating.

(d) Each person using any skateboard/skating area must wear a shirt and proper safety equipment including a helmet, elbow pads and kneepads. All such safety equipment must be functional and protective, properly sized and designed for skating or skateboarding purposes. Soft-sided shoes must be worn by skateboarders.

(e) No person shall ride or use any wheeled devices other than roller skates, in-line skates, or skateboards within any skateboard/skating area. Use of any other wheeled devices including, but not limited to, bicycles, scooters, unicycles, go-carts, or wagons is prohibited.

(f) No person shall possess or use alcohol, or illegal drugs within a skateboard/skating area or in surrounding park areas. Tobacco products are prohibited in the skateboard/skating area.

(g) No person shall litter in any skateboard/skating area. All persons using a skateboard/skating area must place any trash created or brought to the skateboard/skating area in refuse containers provided by the City. If the City provides no refuse containers, each person shall be responsible for removing and disposing of such items in an appropriate manner.

(h) No person shall cause graffiti or tagging in or upon any skateboard/skating area or anywhere in the surrounding park areas.

(i) No person shall ride, or permit to be ridden, any skateboard or skates in a skateboard/skating area in a reckless manner or with willful disregard for the safety of persons or property.

(j) No person shall skate on the curbs, sidewalk, fences, railings and/or driveway of any City owned area surrounding or adjoining a skateboard/skating area.

(k) Glass containers or other glass products are prohibited within a skateboard/skating area.

(l) No ramps, jumps or other obstacles, may be placed in any skateboard/skating area.

(m) No skateboard/skating area may be used if any hazardous condition exists, including, but not limited to, inclement weather conditions, and/or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating area that are visible to the user.

(n) All organized events utilizing a skateboard/skating area are prohibited without the prior written approval of the Community Services Department.

(o) No animals are allowed in any skateboard/skating area.

(p) Personal stereos, earphones and headphones are prohibited within any skateboard/skating area.

(q) The City is not responsible for items which are lost or stolen within any skateboard/skating area.

(r) Any person suffering an injury within a skateboard/skating area must promptly report the injury to the City of Perris Human Resources/Risk Management Division.

Signs required.

In order to provide reasonable notice to the public, signs referring to this Chapter shall be posted in one or more conspicuous areas at or near the entrance to each of the skateboard/skating area, setting forth the rules and regulations established herein, including prohibiting activities, and stating that any person failing to comply with any provisions of this Chapter shall be subject to citation.

Violations, penalties and enforcement.

Any person violating any of the provisions of this Section shall be subject to removal from a skateboard/skating area, and such violations shall be punishable as an infraction as provided in Section 1.16.010(B) of the Perris Municipal Code.”

Civil Remedies Available.

The violation of any of the provisions of this Section 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.

Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Perris and shall cause a summary of this Ordinance to be published or posted in accordance with applicable law.

Effective Date.

This Ordinance shall take effect thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED as an *ORDINANCE* this 13th day of January, 2009.

Mayor, Daryl R. Busch

ATTEST

City Clerk, Judy Haughney

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STATE OF CALIFORNIA)
 COUNTY OF RIVERSIDE) δ
 CITY OF PERRIS)

I, Judy L, Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO
 HEREBY CERTIFY that the foregoing Ordinance Number 1252, introduced at a regular
 meeting of the City Council of the City of Perris held on the 9th day of Decmebe,r 2008,
 and was duly and regularly adopted by the City Council of the City of Perris at a regular
 meeting thereof held on the 13th day of January, 2009, and that it was so adopted by the
 following vote:

AYES:	COUNCILMEMBERS:	Yarbrough, Landers, Evans, Rogers, Busch
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

City Clerk, Judy L. Haughney