

CITY OF HAWAIIAN GARDENS  
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE NO. 471

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS MUNICIPAL CODE BY ADDING ARTICLE 12.21, RELATING TO PUBLIC SKATE PARK FACILITES

WHEREAS, the purpose of this Article is to promote the public peace, morals, health, safety and general welfare of persons in the City by regulating the activity on public Skate Park facilities within the City.

WHEREAS, the California State Legislature enacted Health and Safety Code Section 115800 establishing requirements for skateboard park operations and declaring skateboarding at a facility operated by a municipality to be a hazardous recreational activity within the meaning of Section 831.7 of the Government Code if certain requirements are met; and

WHEREAS, the City Council desires and intends to comply with those requirements by the adoption of the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS.

SECTION 12.21.160. is hereby added to Chapter 12.21 of the City of Hawaiian Gardens Municipal Code to read as follows:

Public Skate Park Facilities

Sec. 12.20.010	Statement of Purpose
Sec. 12.20.020	Definitions
Sec. 12.20.030	Hours of Operation
Sec. 12.20.040	Prohibited Conduct
Sec. 12.20.050	City Immunity From Liability
Sec. 12.20.060	Protective Gear Requirements
Sec. 12.20.070	Other Regulations
Sec. 12.20.080	Signage and Posting Requirements
Sec. 12.20.090	Penalties
Sec. 12.20.100	Additional Enforcement

Sec. 12.20.010      Statement of Purpose

The purpose of this Article is to establish a comprehensive set of rules and regulations for the use of public skate parks facilities in the City of Hawaiian Gardens.

Sec.12.20.020      Definitions

For the purpose of carrying out the intent of this Article, words, phrases and terms used hereon shall have their ordinary meaning, unless otherwise indicated as follows:

- (a) "Department" shall be defined as the City of Hawaiian Gardens Human Services and Recreation Department;
- (b) "Public Skate Park Facility" shall be defined as any facility, structure or area in which skateboarding, in-line skating and roller skating is permitted pursuant to the provisions of this Article, which is owned, operated and maintained by the City, and which has been designated as a "public skate park facility" by resolution of the City
- (c) "Roller Skates" or "in-line skates" including roller blades, shall be defined as any shoe, boot or other footwear to which one or more wheels are attached;
- (d) "Skateboard" shall be defined as 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 or more persons standing or kneeling upon it and to which there is not affixed any seat or any other device or mechanism to turn and control the wheels;
- (e) "Skate Activity" shall be defined as the use of a skateboard, roller skates or in-line skates, including roller blades;
- (f) "Skater" shall be defined as any person participating in Skate Activity.

**Sec. 12.20.030 Hours of Operation**

Public skate park facilities shall be opened from 7:00 a.m. until dusk, or as otherwise posted by the Director. It shall be unlawful for any person to use or remain in such facilities in violation of this section without written consent of the Department. Public skate park facilities shall close in the event of rain, rainy conditions or otherwise wet areas.

**Sec. 12.20.040 Prohibited Conduct**

While on skate park facilities:

- (a) No person shall ride or use any non-motorized personal transportation other than roller skates, in-line skates or skateboards, including but not limited to, bicycles, scooters, unicycles, go-carts and wagons, within the skating surface of any public skate park facility, or to cause non-motorized personal transportation to be ridden or used within the skating surface of any public skate park facility;
- (b) No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, has a seal broken or the contents of which have been partially removed;
- (c) No person shall allow or cause graffiti or tagging in, on or around any part of the public skate park facility;
- (d) No person shall ride or use any roller skates, in-line skates or skateboards at a public skate park facility in a reckless manner or with willful disregard for the safety of persons or property, or to cause anyone using roller skates, in-line skates or skateboards to be ridden or used in such a reckless manner;

- (e) No person shall deposit or leave garbage, cans, bottles, papers, waste or refuse of any kind in a location other than a receptacle provided for such purpose, or to cause such items to be deposited or left in such a manner. If no receptacle is provided, each person shall be responsible for removing and disposing of such items from the public skate park facility;
- (f) No person shall allow or cause any animal of any kind to be brought into a public skate park facility;
- (g) No person shall allow or cause glass containers of any kind to be brought into any public skate park facility.
- (h) No person, other than a skater, is permitted within the skating surface of a public skate park facility, except that spectators may sit or stand in areas designated for that purpose;
- (i) No person shall place or utilize obstacles or other materials within a public skate park facility that are not affixed to a public skate park facility by the City for recreational purposes;
- (j) No person shall use a public skate park facility while under the influence of alcohol or drugs that would impair that person's judgement or motor skills;
- (k) No person shall conduct organized activities, events or competitions without prior written permission from the Director;
- (l) No skate activity is permitted on the walls or other boundary structures or seating areas immediately surrounding or adjoining a public skate park facility.

Sec. 12.20.050 City Immunity From Liability

All skate activity within any public skate park facility is deemed a hazardous recreational activity within the meaning of Section 831.7 of the Government Code and the City Hawaiian Gardens may not be held liable for injuries sustained or incurred by persons who participated in any such hazardous recreational activity.

Sec. 12.20.060 Protective Gear Requirement

All skaters must wear a safety helmet, elbow pads and kneepads while participating in skate activity within a public skate park facility. All such protective gear must be functional and protective, properly sized and designed for their intended use at the public skate park facility.

Sec. 12.20.070 Other Regulations

The City Administrator or his or her designee may set forth any other rules and regulations for the use of a public skate park facility, which he or she deems appropriate provided that signs describing such rules and regulations are placed and posted pursuant to the Article.

**Sec. 12.20.080 Signage and Posting Requirements**

In order to provide reasonable notice to the public, the City Administrator or his or her designee shall place and post signs in one or more conspicuous and visible area(s) of a public skate park facility designating the facility, structure or area as a public skate park facility, specifying the rules and regulations established pursuant this Article, and prohibiting the activities described herein.

**Sec. 12.20.090 Penalties**

Any violation of this Ordinance, or the Article hereby adopted, shall constitute an infraction and shall be punishable as set forth in Section 1-16 of this Code.

**Sec. 12.20.100 Additional Enforcement**

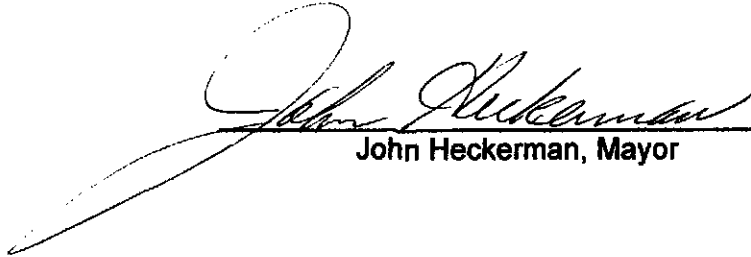
The City Administrator of his or her designee shall have the authority to eject and expel from the skate park any person who is in violation of any provision of this Article.

**SECTION 2.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason, held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivisions paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

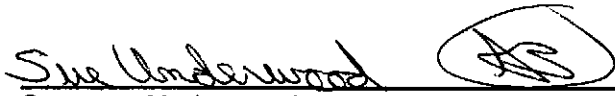
**SECTION 3. Severability.** If any section, subsection, subdivision, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

**SECTION 4. Effective Date.** This Ordinance shall take effect thirty days after its adoption. The City Clerk or his duly appointed deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

PASSED, APPROVED, and ADOPTED by the Hawaiian Gardens City Council on this 26<sup>th</sup> day of March 2002.

  
John Heckerman, Mayor

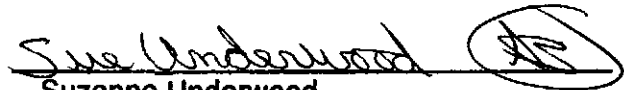
Attest:

  
Suzanne Underwood  
City Clerk  
City of Hawaiian Gardens

STATE OF CALIFORNIA       }  
COUNTY OF LOS ANGELES   }SS.  
CITY OF HAWAIIAN GARDENS}

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 471 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 26<sup>th</sup> day of March 2002, by the following roll call vote as the same appears on file and of record in the office of the City Clerk.

AYES:       PRIDA, SCHULTZE, CHAIDEZ, OYAMA-CANADA, HECKERMAN  
NOES:       NONE  
ABSENT:    NONE  
ABSTAIN:   NONE

  
Suzanne Underwood  
City Clerk  
City of Hawaiian Gardens



**CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT**

CITY OF HAWAIIAN GARDENS  
Agenda Item No. **B-1-**  
**ACTION:** ☒ Approved ☐ Denied ☐ Amended ☐ Receive & File ☐ Other  
Meeting Date: 3/26/2002  
VOTE: 5-0  
DATE: 3/26/2002

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Anthony B. Lopez, City Administrator

**FROM:** Irving Montenegro, Director of Human Services *M.*

**SUBJECT:** **CONDUCT SECOND READING AND ADOPT ORDINANCE NO. 471/ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AMENDING CHAPTER 12.21 OF THE HAWAIIAN GARDENS CITY MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT AND USE OF SKATE PARK FACILITIES**

**DATE:** March 26, 2002

**BACKGROUND AND DISCUSSION**

On March 12, 2002, the City Council introduced and conducted the first reading of Ordinance No. 471 of the City Council of the City of Hawaiian Gardens, amending chapter 12.21 of the Hawaiian Gardens city municipal code pertaining and as it relates to the designation and usage of skate parks. A copy of the proposed ordinance is attached for your review.

This ordinance was researched and drafted by the City Attorney's office and reviewed by staff in Community Development, Human Services, Personnel/Risk Management, and Public Works.

**RECOMMENDATION**

Introduce ordinance for second reading, and staff recommends that the City Council adopt and approve Ordinance No. 471.

**FISCAL IMPACT**

There is no fiscal impact as a result of this action. However adoption of the ordinance provides the City with potential limit liability in case of lawsuit against the City.