

TRACY CITY COUNCIL

URGENCY ORDINANCE NO. 1393

AMENDING THE TRACY MUNICIPAL CODE BY ADDING SECTION 4.17 TO TITLE 4, ADOPTING BY REFERENCE CALIFORNIA HEALTH AND SAFETY CODE SECTION 115800 AND CALIFORNIA GOVERNMENT CODE SECTION 831.7 REGULATING SKATEBOARD PARKS AND PUMP TRACKS, EXTENDING PUBLIC LIABILITY WAIVING THE SECOND READING BY SUBSTITUTION OF TITLE, AND DECLARING THE URGENCY THEREOF TO TAKE EFFECT IMMEDIATELY UPON ADOPTION.

WHEREAS, the City of Tracy operates public skate parks, pump tracks and other similar recreational facilities for the recreational enjoyment of its residents; and

WHEREAS, California Health and Safety Code Section 115800 requires operators of public skateboard and pump track parks to adopt local regulations mandating the use of helmets, knee pads, and elbow pads for participants, and to post clear signage outlining these requirements; and;

WHEREAS, California Government Code Section 831.7 provides public entities with qualified immunity from liability for injuries sustained during hazardous recreational activities, including skateboarding, when specific statutory conditions are met; and

WHEREAS, the City desires to explicitly incorporate these statutory protections and requirements into the Tracy Municipal Code to promote public safety and protect public resources; and

WHEREAS, unregulated activity at the new pump track, increased incidents involving riders without helmets, and liability risks pose an immediate threat to public safety, health, and peace;

WHEREAS, California Government Code Sections 36934 and 36937 authorize the City Council to introduce and pass an urgency ordinance at the same meeting, which shall take effect immediately upon its adoption provided it receives a four-fifths (4/5) affirmative vote; and

WHEREAS, the City Council desires to immediately incorporate these statutory protections and mandatory safety requirements into the Tracy Municipal Code by executing this Urgency Ordinance to bypass the standard 30-day delayed effective period;

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

SECTION 1. Incorporation of Recitals/Findings. The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. Amendments to Title 4. Title 4 of the Tracy Municipal Code is amended as set forth in Exhibit 1, attached and incorporated herein.

SECTION 3. CEQA Determination. The City Council finds that this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3), pertaining to actions that do not have the potential for causing a significant effect on the environment. This Ordinance is also not a “project” under CEQA Guidelines Section 15378, as it has no potential to result in either a direct or indirect physical change in the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare. Consequently, the requirement for a second reading is hereby waived, and this Ordinance shall become effective immediately upon its final adoption

SECTION 6. Publication. The City Clerk is directed to publish this Ordinance in a manner required by law.

SECTION 7. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

SECTION 8. Typographical or Clerical (Scrivener’s) Error. Any typographical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration

The foregoing Urgency Ordinance 1393 was adopted by the Tracy City Council on the 16th day of June, 2026, by the following vote:

AYES:	COUNCIL MEMBERS BEDOLLA, EVANS, AND NYGARD; MAYOR PRO TEM ABERCROMBIE; AND MAYOR ARRIOLA
NOES:	NONE
ABSENT:	NONE
ABSTENTION:	NONE

Signed: Dan Arriola, Mayor

Attested: April B. A. Quintanilla, City Clerk

A copy of the following exhibits can be viewed upon request by making an appointment with the City Clerk's Office:

EXHIBITS:

Exhibit 1 – Chapter 4.17

Title 4 - PUBLIC SAFETY

Chapter 4.17 – Skateparks, Pump Tracks, and Similar Wheeled Facilities Regulation

***CHAPTER 4.17 SKATEPARKS, PUMP TRACKS, AND SIMILAR
WHEELED FACILITIES REGULATION***

4.17.010 Purpose.

The purposes of this Chapter are:

1. To establish regulations for the use and enjoyment of skate parks, pump tracks, and similar wheeled facilities in the interest of public safety;
2. To comply with Health and Safety Code Section 115800 (hereafter Section 115800) by adopting an ordinance requiring use of safety equipment, with penalty by citation and notice by sign; and
3. To satisfy the conditions of Government Code Section 831.7 for qualified immunity from liability for hazardous recreational activities.

4.17.020 Definitions.

(a) The terms used in this Chapter, e.g., "skateboard," shall have the meanings in common usage, except as otherwise defined in this Chapter or by the Health and Safety Code and other applicable laws.

(b) "Pump track" means City-owned property that involves a circuit of rollers, banked turns, and features designed to be ridden completely by riders "pumping," generating momentum by up and down body movement, instead of pedaling or pushing, and includes the entire area, which may or may not be fenced, surrounding the track including pump track amenities such as seating, bike repair stations, or similar.

(c) "Skate Park" means the Tracy Skate Park facility(es) located in the City of Tracy, California.

(d) "Skating Area" means the area within the Skate Park designed for skateboarding and in-line skating activities, which is limited to the adjacent concrete.

(e) "Track Area" means the designated surface area within the Pump Track facility designed for non-motorized wheeled recreational devices.

(f) "Wheeled vehicles" means a bicycle, skateboard, roller skates, in-line skates, scooter or other wheeled device powered by human activity or by motor.

4.17.210 State Law Compliance.

(a) Section 115800 prohibits any operator of a skateboard park or pump track facility to permit any person to ride a skateboard or other authorized wheeled recreational device therein unless that person is wearing a helmet, elbow pads, and knee pads.

(b) The City requires, pursuant to Section 115800, that:

1. Any person riding a skateboard, in-line skates, bicycle, or authorized wheeled recreational device at the Skate Park or Pump Track shall wear a helmet, elbow pads, and knee pads.
2. Notice of the safety equipment required in subsection (B)(1) of this Chapter and Section and notice of the penalty for violation shall be provided.

(c) The Parks and Recreation Commission shall develop a system for recording facility injuries and claims and shall report those incidents to the Judicial Council in accordance with Section 115800.

4.17.220 Hazardous Recreational Activity.

(a) Skateboarding, in-line skating, bicycling, and utilizing pump track features are deemed hazardous recreational activities, within the meaning of Government Code Section 831.7, and by Health and Safety Code Section 115800 under specified conditions.

(b) The City adopts the pertinent state law definitions of hazardous recreational activities and affirms that use of public skate parks, pump tracks and similar wheeled facilities is deemed a hazardous recreational activity to the fullest extent permitted by law.

4.17.230 Use of Skate Parks, Pump Tracks, and Similar Wheeled Parks, and Surrounding Public Recreational Areas.

(a) The purpose of this section is to establish operations rules, safety standards, and prohibited conduct for all persons using skate parks, pump tracks, bicycle parks, and similar wheeled parks, public areas and recreational facilities owned, operated, or maintained by the City. The provisions of this section shall apply to all persons entering, using observing, or otherwise occupying any City owned or City operated skate park, pump track, bicycle skills area, or similar recreational facility using skateboards, bicycles, scooters, roller skates, or other non-motorized wheeled equipment and devices.

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(b) Assumption of Risk

1. All skate parks, pump tracks and similar wheeled parks, public areas and recreational facilities are unsupervised and shall be used at the user's own risk.
2. Users acknowledge that participation in skateboarding and other wheeled recreational activities involves inherent risks, including serious injury, including broken bones, paralysis or death even when protective gear is worn and when used for the proper recreational activity.
3. Speed skates or other equipment determined by the City to create unsafe operating conditions are prohibited.

(c) Inspection and Reporting Requirements.

1. Users shall inspect all ramps, rails, riding surfaces, and features prior to use, and remove any trash, debris or objects that may prevent a smooth, safe ride.
2. Any unsafe condition, damage, vandalism, or hazardous condition shall be reported to the City as soon as practicable. Any damage can be immediately reported to the City at (209) 831-6200.
3. No person shall knowingly use facility features that is visibly damaged or unsafe to the skating surfaces.

(d) Safe Riding Conduct

1. No person shall use any skate park or similar facility in a manner that exceeds their individual skill or ability level and creates a hazard to themselves or others.
2. All users shall always maintain reasonable control of their equipment.
3. No person shall use any skate park, pump track, or similar wheeled parks, public areas or recreational facility during wet weather conditions or when riding surfaces are wet, slippery, icy, or otherwise unsafe.

(e) Supervision of Minors. Children under twelve (12) years of age must be accompanied by a parent, guardian, or responsible adult while using any skate park, pump track or similar wheeled parks, public areas or recreational facility.

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(f) Unauthorized Modifications Prohibited.

1. No person shall install, place, construct, attach, or use any unauthorized ramp, jump, rail, box, obstacle, or other feature within any skate park, pump track or similar wheeled parks, public areas or recreational facility.
2. No person shall alter, damage, deface, paint, wax, modify, or tamper with any City-owned feature, structure, or surface.

(g) Restricted Areas. No person shall skateboard, roller skate, rollerblade, bicycle ride, scooter ride, or otherwise operate wheeled recreational equipment on adjacent curbs, parking lots, landscaped areas, driveways, walkways, or other areas not specifically designated for such activity.

(h) Tobacco and Smoking Prohibited. Smoking, vaping, chewing tobacco, or the use of any tobacco or nicotine product within any skate park or similar facility is prohibited.

(i) Disorderly Conduct.

1. No person shall engage in conduct that harasses, threatens, intimidates, or interferes with another person's use of the facility.
2. No person shall engage in fighting, reckless conduct, or behavior that creates a safety hazard.

(j) Animals Prohibited. No person shall bring or allow any animal or pet within any active designated riding area of a skate park, pump track or similar wheeled parks, public areas and recreation facility, except service animals as defined by applicable law.

(k) Headphones and Earbuds. No person shall use headphones or earbuds at a volume that prevents awareness of surrounding users.

(l) Personal Property.

1. The City shall not be responsible for any lost, stolen, or damaged of personal property.
2. No person shall leave backpacks, phones, keys, clothing, or other personal belongings within riding areas or locations that obstruct the intended use of the skate park, pump track or any similar wheeled parks, public areas and recreational facility.

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(m) Facility Capacity.

1. The Director of Parks and Recreation, or designee, may establish and post maximum occupancy limits for any skate park, pump track, or similar wheeled parks, public areas and recreational facility
2. No person shall enter or remain within a facility once the posted maximum occupancy has been reached.
3. City staff or law enforcement personnel may temporarily restrict access to a facility when necessary to protect public health, safety, or welfare.

(n) Authority to Post Additional Rules. The Director of Parks and Recreation, or designee, is authorized to establish and post additional operational or safety rules consistent with this chapter.

(o) Enforcement. Any violation of this section shall constitute an infraction and may result in removal from the skate park, pump track, or any similar wheeled park, public area and recreational facility, suspension of privileges, administrative citation, or any other remedy authorized by law.

(p) Operation of or use of Motorized equipment. A person shall be prohibited from the operation or use of motorized vehicles and motor driven equipment, including motorized scooters, motorized bicycles, motorcycles, go-carts, all-terrain vehicles, and similar devices, within any City skate park, pump track, or any similar wheeled park, public area and recreational facility.

4.17.240 Regulations.

(a) The following regulations shall be posted for public notice:

1. The Skate Park is for Skateboarding and In-line Skating only. The Pump Track is for non-motorized Bicycles, Skateboards, In-line Skates, and Scooters only.
2. Any person using the skating area or pump track area shall wear a helmet, elbow pads, and knee pads.
3. No motorized wheeled vehicles, e-bikes, or motorized devices are permitted in the facility.
4. No spectators are permitted inside the skating area or on the pump track courses.

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5. No food, glass bottles, or cans are permitted in the skating or track areas at any time.
6. No unauthorized ramps, jumps, or obstacles are permitted in the facility.
7. Use of the facility is prohibited when it is raining or the park surfaces are wet.
8. No smoking, alcohol, or drug use is permitted in the facility.
9. Sponsored events (contests, demonstrations, classes, etc.) must be approved by the City, in advance, through the park reservation process.
10. All users must travel in the designated direction of traffic flow on the pump track.

4.17.250 Violation and Penalty.

- (a) It is unlawful for any person to violate any of the provisions of this chapter.
- (b) Anyone violating or refusing to abide by any provision of this Chapter shall be subject to the penalties, citations, and fines set forth under Title 1, Chapter 1.04 of this Code. Furthermore, any such person shall be held financially responsible to the maximum extent provided by law for any and all property damage caused to the facility, tracking surfaces, or park infrastructure.
- (c) For repeat or consecutive violations occurring within a twelve (12) month period, the City Manager or their designated representative may issue a formal exclusion order. This order may temporarily ban and exclude the offender from the Skate Park, Pump Track, or any city park facility for a reasonable designated period, in addition to any administrative fines levied.

4.17.260 Notice.

- a) Posting of Signs. The City shall post an official regulatory sign at the primary entrance of the skate park, pump track, or similar wheeled facility, alongside additional signage as deemed necessary to provide reasonable and conspicuous notice of this Chapter to the public.
- b) Mandatory Sign Content. All posted signage must clearly provide notice to the public of the following information:
 1. The comprehensive facility regulations set forth in Section 4.17.240 (a)(1) through (10) of this Chapter;

2. The specific warning text: **"WARNING: Skateboarding, in-line skating, and pump track riding are hazardous recreational activities, and the City may not be liable for injuries."**; and
3. The specific penalty text: **"PENALTY: Violators are subject to law enforcement citation, financial liability for damages, and immediate removal or exclusion from this facility."**

4.17.270 Enforcement- Compliance.

The City, through the Tracy Police Department, the City Manager's designees, shall enforce this chapter and any rules promulgated under it.