

MEETING DATE: 11/14/07

AGENDA ITEM: Discussion and Consideration of the Parks and Recreation Commission's Regarding the Skate Park Regulations and Supervision.

ATTACHMENTS

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1. Ordinance Number 2007-006 of the City of Culver City.	1-2
2. Resolution Number 2007-R049 of the City of Culver City.	3-5
3. California Health and Safety Code Section 115800.	6-7
4. California Government Code Section 831.7.	8-9
5. Draft Minutes of the November 1, 2007 Joint Meeting of the City Council Skate Park Subcommittee and Parks and Recreation Commission Skate Park Subcommittee.	10-12
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ORDINANCE NO. 2007- 006

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING SECTION 9.10.300.B OF THE
CULVER CITY MUNICIPAL CODE TO AUTHORIZE THE CITY
COUNCIL TO ESTABLISH, BY RESOLUTION, SKATEBOARD
PARK RULES AND REGULATIONS.

WHEREAS, Section 9.10.300 of the Culver City Municipal Code ("CCMC")
provides that any person who rides or operates a skateboard, rollerskates, in-line skates or
rollerblades in a publicly-owned or operated skateboard park in the City must wear a
helmet, elbow pads and kneepads at all times; and

WHEREAS, the City Council of the City of Culver City has determined that
additional rules and regulations relating to the use of such publicly-owned skateboard
parks may be necessary in order to protect the public's health, safety and welfare.

NOW THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY ORDAIN as follows:

SECTION 1. Section 9.10.300.B of the Culver City Municipal Code is hereby
amended to read as follows:

B. The Parks, Recreation and Community Services Director is
authorized to set forth any administrative guidelines or processes, and the City
Council may establish by resolution rules and regulations, regarding the use of
public skateboard parks within the City. Signage setting forth all rules and
regulations established by this subsection, and the penalty for violation thereof, shall
be posted at all public skateboard parks within the City. A violation of any rule or
regulation established by this subsection shall be subject to the penalties as set
forth in Section 9.10.300.C.

SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance
shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,

1 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
2 Culver City News and shall post this Ordinance or a summary thereof in at least three
3 places within the City.

4 **SECTION 3.** The City Council hereby declares that, if any provision, section,
5 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
6 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
7 reason of any preemptive legislation, then the City Council would have independently
8 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
9 or words of this ordinance and as such they shall remain in full force and effect.

10 **APPROVED AND ADOPTED** this 20th day of August, 2007.

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CHRISTOPHER ARMENTA, City Clerk

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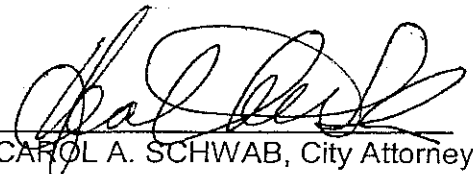
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ALAN CORLIN, Mayor
City of Culver City, California

APPROVED AS TO FORM:



CAROL A. SCHWAB, City Attorney

RESOLUTION NO. 2007-R 049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CULVER CITY, CALIFORNIA, ESTABLISHING RULES AND
REGULATIONS FOR THE USE OF PUBLIC SKATEBOARD
PARKS WITHIN THE CITY.

WHEREAS, Culver City Municipal Code Section 9.10.300(B) provides that the
City Council may, by resolution, establish rules and regulations regarding the use of public
skateboard parks within the City; and

WHEREAS, the City Council has determined that it is necessary to establish
such rules and regulations in order to protect the public's health, safety and welfare.

NOW, THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY RESOLVE as follows:

1. The following rules and regulations regarding the use of public
skateboard parks within the City are hereby established:
 - a. All skaters must wear a helmet, elbow pads and knee pads
at all times while skating.
 - b. Public entry into the skateboard park is prohibited at all
times that the skateboard park gates are locked.
 - c. Skating is prohibited at all times that it is raining or when
the skating area is wet.
 - d. The skateboard park is for skating use only, including
skateboarding, rollerskating, in-line skating and rollerblading. Bicycling, and all
other uses are prohibited.
 - e. Only skaters are permitted within the skating area.

1 f. No food, drink, glass or breakable objects are allowed
2 within the skating area.

3 g. No drugs, alcohol, tobacco products, weapons or pets are
4 allowed within the skateboard park.

5 h. No portion of the skateboard park may be modified, altered
6 or added to in any manner without written permission of the City's Parks,
7 Recreation and Community Services Director.

8 i. Skating is only permitted within the skateboard park and is
9 prohibited on all other areas of Culver City Park, including its adjacent
10 sidewalks, streets and parking lots.

11 j. Competitive, demonstration and rental events are
12 prohibited, unless written permission is obtained from the City's Parks,
13 Recreation and Community Services Director.

14 2. For purposes of this Resolution and the rules and regulations set
15 forth herein, the term "skating" includes skateboarding, rollerskating, in-line
16 skating and rollerblading.

17 3. Any violation of the rules and regulations established by this
18 Resolution are subject to the penalties set forth in Culver City Municipal Code
19 Section 9.10.300(C).
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1 4. This Resolution shall become effective concurrently with the
2 effective date of Ordinance No. 2007-006.

3 APPROVED and ADOPTED this 13th day of August, 2007.

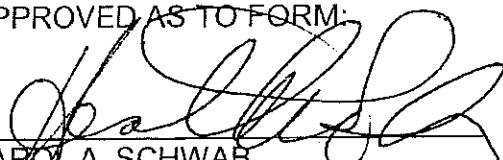
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5 ALAN CORLIN, MAYOR
6 City of Culver City, California

7 ATTEST:

7 APPROVED AS TO FORM:

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9 CHRISTOPHER ARMENTA,
10 City Clerk

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9 CAROL A. SCHWAB,
10 City Attorney

CALIFORNIA HEALTH AND SAFETY CODE

SECTION 115800

115800. (a) No operator of a **skateboard park** shall permit any person to ride a **skateboard** therein, unless that person is wearing a helmet, elbow pads, and knee pads.

(b) With respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of recreational **skateboard** use, and that is not supervised on a regular basis, the requirements of subdivision (a) may be satisfied by compliance with the following:

(1) Adoption by the local public agency of an ordinance requiring any person riding a **skateboard** at the facility to wear a helmet, elbow pads, and knee pads.

(2) The posting of signs at the facility affording reasonable notice that any person riding a **skateboard** in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph (1).

(c) "Local public agency" for purposes of this section includes, but is not limited to, a city, county, or city and county.

(d) (1) Skateboarding at any facility or **park** owned or operated by a public entity as a public **skateboard park**, as provided in paragraph (3), shall be deemed a hazardous recreational activity within the meaning of Section 831.7 of the Government **Code** if all of the following conditions are met:

(A) The person skateboarding is 12 years of age or older.

(B) The skateboarding activity that caused the injury was stunt, trick, or luge skateboarding.

(C) The **skateboard park** is on public property that complies with subdivision (a) or (b).

(2) In addition to the provisions of subdivision (c) of Section 831.7 of the Government **Code**, nothing in this section is intended to limit the liability of a public entity with respect to any other duty imposed pursuant to existing law, including the duty to protect against dangerous conditions of public property pursuant to Chapter 2 (commencing with Section 830) of Part 2 of Division 3.6 of Title 1 of the Government **Code**. However, nothing in this section is intended to abrogate or limit any other legal rights, defenses, or immunities that may otherwise be available at law.

(3) For public **skateboard** parks that were constructed on or before January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2001. For public **skateboard** parks that are constructed after January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2012. For purposes of this subdivision, any **skateboard** facility that is a movable facility shall be deemed constructed on the first date it is initially made available for use at any location by the local public agency.

(continued)

(4) The appropriate local public agency shall maintain a record of all known or reported injuries incurred by a skateboarder in a public **skateboard park** or facility. The local public agency shall also maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the public agency. Beginning in 1999, copies of these records shall be filed annually, no later than January 30 each year, with the Judicial Council, which shall submit a report to the Legislature on or before March 31, 2011, on the incidences of injuries incurred, claims asserted, and the results of any lawsuit filed, by persons injured while skateboarding in public **skateboard** parks or facilities.

(5) This subdivision shall not apply on or after January 1, 2001, to public **skateboard** parks that were constructed on or before January 1, 1998, but shall continue to apply to public **skateboard** parks that are constructed after January 1, 1998.

(e) This section shall remain in effect until January 1, 2012, and as of that date is repealed, unless a later enacted statute, enacted before January 1, 2012, deletes or extends that date.

115800. (a) No operator of a **skateboard park** shall permit any person to ride a **skateboard** therein, unless that person is wearing a helmet, elbow pads, and knee pads.

(b) With respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of recreational **skateboard** use, and that is not supervised on a regular basis, the requirements of subdivision (a) may be satisfied by compliance with the following:

(1) Adoption by the local public agency of an ordinance requiring any person riding a **skateboard** at the facility to wear a helmet, elbow pads, and knee pads.

(2) The posting of signs at the facility affording reasonable notice that any person riding a **skateboard** in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph (1).

(c) "Local public agency" for purposes of this section includes, but is not limited to, a city, county, or city and county.

(d) This section shall become operative on January 1, 2012.

CALIFORNIA GOVERNMENT CODE

SECTION 831.7

831.7. (a) Neither a public entity nor a public employee is liable to any person who participates in a **hazardous recreational activity**, including any person who assists the participant, or to any spectator who knew or reasonably should have known that the **hazardous recreational activity** created a substantial risk of injury to himself or herself and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or persons arising out of that **hazardous recreational activity**.

(b) As used in this section, "**hazardous recreational activity**" means a **recreational activity** conducted on property of a public entity which creates a substantial (as distinguished from a minor, trivial, or insignificant) risk of injury to a participant or a spectator.

"**Hazardous recreational activity**" also means: (1) Water contact activities, except diving, in places where or at a time when lifeguards are not provided and reasonable warning thereof has been given or the injured party should reasonably have known that there was no lifeguard provided at the time.

(2) Any form of diving into water from other than a diving board or diving platform, or at any place or from any structure where diving is prohibited and reasonable warning thereof has been given. (3) Animal riding, including equestrian competition, archery, bicycle racing or jumping, mountain bicycling, boating, cross-country and downhill skiing, hang gliding, kayaking, motorized vehicle racing, off-road motorcycling or four-wheel driving of any kind, orienteering, pistol and rifle shooting, rock climbing, rocketeering, rodeo, spelunking, sky diving, sport parachuting, paragliding, body contact sports (i.e., sports in which it is reasonably foreseeable that there will be rough bodily contact with one or more participants), surfing, trampolining, tree climbing, tree rope swinging, waterskiing, white water rafting, and windsurfing. For the purposes of this subdivision, "mountain bicycling" does not include riding a bicycle on paved pathways, roadways, or sidewalks.

(c) Notwithstanding the provisions of subdivision (a), this section does not limit liability which would otherwise exist for any of the following:

(1) Failure of the public entity or employee to guard or warn of a known dangerous condition or of another **hazardous recreational activity** known to the public entity or employee that is not reasonably assumed by the participant as inherently a part of the **hazardous recreational activity** out of which the damage or injury arose.

(2) Damage or injury suffered in any case where permission to participate in the **hazardous recreational activity** was granted for a specific fee. For the purpose of this paragraph, a "specific fee" does not include a fee or consideration charged for a general purpose such as a general park admission charge, a vehicle entry or parking fee, or an administrative or group use application or permit fee, as distinguished from a specific fee charged for participation in the specific **hazardous recreational activity** out of which the damage or injury arose.

(3) Injury suffered to the extent proximately caused by the negligent failure of the public entity or public employee to properly construct or maintain in good repair any structure, **recreational** equipment or machinery, or substantial work of improvement utilized in the **hazardous recreational activity** out of which the damage or injury arose.

(continued)

(4) Damage or injury suffered in any case where the public entity or employee recklessly or with gross negligence promoted the participation in or observance of a **hazardous recreational activity**. For purposes of this paragraph, promotional literature or a public announcement or advertisement which merely describes the available facilities and services on the property does not in itself constitute a reckless or grossly negligent promotion.

(5) An act of gross negligence by a public entity or a public employee which is the proximate cause of the injury. Nothing in this subdivision creates a duty of care or basis of liability for personal injury or for damage to personal property.

(d) Nothing in this section shall limit the liability of an independent concessionaire, or any person or organization other than the public entity, whether or not the person or organization has a contractual relationship with the public entity to use the public property, for injuries or damages suffered in any case as a result of the operation of a **hazardous recreational activity** on public property by the concessionaire, person, or organization.

Draft Minutes of the Joint Skate Park Subcommittee Meeting on November 1, 2007

These minutes are not official until approved by the City Council Skate Park Subcommittee and the Parks and Recreation Commission Skate Park Subcommittee.

JOINT MEETING OF THE
CITY COUNCIL SKATE PARK SUBCOMMITTEE AND THE
PARKS AND RECREATION COMMISSION SKATE PARK SUBCOMMITTEE
CITY OF CULVER CITY, CALIFORNIA

November 1, 2007
6:04 P.M.

draft

Call to Order - 6:04 p.m.

The joint meeting of the City Council Skate Park Subcommittee and the Parks & Recreation Commission Skate Park Subcommittee was called to order at 6:04 P.M.

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Roll Call

City Council Skate Park Subcommittee

Members Present: Carol Gross, City Council Vice Mayor
Steven Rose, Councilmember

Parks and Recreation Commission Skate Park Subcommittee

Members Present: Jeffery Cooper, Parks and Recreation Commission Chair
Anita Shapiro, Parks and Recreation Commission Vice Chair

Staff Present: Martin Cole, Assistant City Manager
Bill La Pointe, PRCS Director
Carol Schwab, City Attorney
Heather Baker, Deputy City Attorney
Scott Bixby, CCPD Police Captain
Ron Iizuka, CCPD Lieutenant Police Officer
Nick Kimball, Budget & Finance Sr. Management Analyst
Patti Mooney, PRCS Senior Management Analyst

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Item J-1

A Joint Meeting of the City Council Skate Park Subcommittee and the Parks and Recreation Commission Skate Park Subcommittee to Discuss Skate Park Regulations and Enforcement.

Discussion ensued and the following points were raised:

Issues that have arisen since the "soft opening" on September 15, 2007

- Trash cans removed from their "moorings" in the skating area and used as stunt objects
- Skaters cutting lock-chain-fence to get in at night when gates were locked
- A couple of small incidences of graffiti
- Some behavior problems, but overall this is not a big problem
- Calls from citizens reporting that skaters are not wearing their helmets and pads

Draft Minutes of the Joint Skate Park Subcommittee Meeting on November 1, 2007

- Accidents (reported to PRCS): 2 incidents - 1 broken arm and 1 collision of skaters that resulted in a cut lip.
- The Police Department received 8 calls regarding possible incidents at the Skate Park during a 25 day period, mostly regarding skaters not wearing their helmets and pads
- The cost of staffing the Skate Park to obtain the minimum level of adequate supervision would be approximately \$150,000 annually.

Options under State Law regarding Skate Park regulations and enforcement:

Option 1 of State Law that provides the City with some immunity from liability is what we are doing now - adopt an ordinance requiring gear and posting signs stating this at the facility. The other condition that is important to Option 1 is that we must safeguard against dangerous conditions in the park, such as BMXers being in the park at the same time as skaters. We must make sure that the facility is in good condition, as well.

There is a difference between enforcement and supervision. Immunity only applies to the "Ordinance with signs" option; it does not speak to enforcement. There is nothing in the law regarding enforcement of the Ordinance.

Option 2 is supervision of the park. One gray area of the law is that "supervision" is not very well defined. What does it mean?

Pursuant to Health and Safety Code 115800, Skateboarding is a hazardous activity is the following three conditions are met:

1. The person skateboarding is 12 years or older;
2. The skateboarding activity that caused the injury was stunt, trick or luge skateboarding; and,
3. The skateboard park is located on public property that complies with the requirement of the ordinance to wear gear and has signs stating this posted.

Suggestions that received consensus:

- A bright light should be installed over the entry gate.
- Gates should be locked when the park is closed - use a bar instead of a gate and change the language in the Ordinance to reflect this change (or some other option).
- The Skate Park should remain an unsupervised park, with random enforcement (just as the temporary Skate Park was).
- The random enforcement should be done by Park Patrol first with the Police Department being called for back-up, as needed.

Other suggestions that need more discussion and/or research are:

- Informing the public regarding this issue.
- Installation of a banner with a memorable graphic that highlights the helmet/pad requirement.
- The possibility of using rewards to encourage compliance with the gear requirement.

Draft Minutes of the Joint Skate Park Subcommittee Meeting on November 1, 2007

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Meeting Adjourned -7:25 p.m.

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Respectfully submitted,

Carol Gross, City Council Vice Chair
City Council Skate Park Subcommittee

Respectfully submitted,

Jeffrey Cooper, Parks and Recreation Commission Chair
Parks and Recreation Skate Park Subcommittee

Patricia A. Mooney
PRCS Senior Management Analyst

**Synoptic comments from the City Council/ Parks & Recreation Commission/ Staff
Skate Park Subcommittee Meeting of November 1, 2007
and
PRCS Staff's Recommendations on its Management and Operations.**

INTRODUCTION:

It is the purview of the Parks and Recreation Commission to comment on, and make recommendations to, the City Council and staff regarding policy, operations and the maintenance of the Skate Park.

It is City Council's purview and responsibility to consider recommendations from the Parks and Recreation Commission and Staff and determine what, if any, existing policies should be amended or new policies established.

It is Staff's responsibility to bring possible changes to existing policies and/or possible new policies, management and operation matters to the City Council and the Parks and Recreation Commission for consideration regarding the Skate Park and make recommendations regarding changes, if any, that should be made to City Council.

BACKGROUND:

As a point of reference, the "temporary skate park" was unsupervised with, effectively, the same rules and regulations in effect as the new skate park.

One of the primary discussions surrounding skate parks in general, and Culver City's skate park specifically, is whether or not to supervise the facility. There are two primary methods by which rules, regulations and decorum may be maintained; one is through "enforcement", as effected by a Police or Park Patrol agency; the second is through direct, full-time, on-site "supervision".

Enforcement is accomplished through a police agency, Park Patrol or other law enforcement agency. It is done on a random and on-call basis.

Supervision is accomplished through direct, full-time, on-site or other monitoring methods. On-site and monitoring methods might include, but not be limited to, on-site staff or surveillance cameras (that are monitored 100% of the time the facility is open).

RECOMMENDATIONS:

Staff recommends that the Parks and Recreation Commission discuss and comment on whether or not the new skate park be supervised, either via staff or some other surveillance method, or remain unsupervised.

It is staff's recommendation that the facility continue to remain unsupervised and randomly monitored and enforced.