

ORDINANCE NUMBER O- 19897 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 11 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 63.0107, RELATING TO SKATE PARK FACILITIES LOCATED ON PROPERTY OWNED BY THE CITY OF SAN DIEGO.

WHEREAS, due to the adopted City Council mid-year FY 2009 budget reductions, effective January 1, 2009, all skate park facilities on City of San Diego [City] property previously supervised by the Park and Recreation Department changed to operation without staff supervision; and

WHEREAS, in the interest of protecting the safety and enjoyment of the public in the use of skate park facilities located on property owned by the City of San Diego, the Park and Recreation Department has determined that San Diego Municipal Code section 63.0107 regarding skate park facilities should be clarified and supplemented to aid in the enforcement of the City's skate park rules and regulations regarding the use of the facilities; and

WHEREAS, the proposed amendments clarify the type of safety gear required to be worn in skate park facilities located on City property; and

WHEREAS, the proposed amendments require that children eleven years and younger be accompanied by a responsible adult; and

WHEREAS, the proposed amendments prohibit the use of certain devices, such as bicycles, and the use of certain equipment, such as ramps, in skate park facilities located on City property; and

WHEREAS, the proposed amendments require signage providing reasonable notice that any person violating any of the provisions of section 63.0107 is subject to citation; and

WHEREAS, this activity is not a "project" and is therefore not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15060(c)(3); NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 3, Division 1, of the San Diego Municipal Code is amended by amending section 63.0107 to read as follows:

§63.0107 Use of Skate Park Facilities Located on Property Owned by the City of San Diego


- (a) It is unlawful for any person to use a skateboard, roller-skates, roller-blades, in-line skates, or similar device(s) at any skate park facility located on property owned by the City of San Diego, unless that person is:
 - (1) Wearing a helmet, elbow pads, and knee pads which are commercially manufactured and designed specifically for the designated activity; and

- (2) twelve years of age or older, unless accompanied by a *Responsible adult*. "*Responsible adult*" has the same meaning as in Municipal Code section 58.0101.
- (b) The only devices allowed in a skate park facility are skateboards, roller-skates, roller-blades, and in-line skates. Any other devices, including but not limited to bicycles, scooters, and motorized vehicles, are unlawful to use in a skate park facility.
- (c) It is unlawful for any person to bring into a skate park facility any item, equipment, ramp or other material which can be used to perform tricks or stunts.
- (d) It is unlawful for an operator of a skate park facility located on property owned by the City of San Diego, to fail to post signs at the facility:
 - (1) Providing reasonable notice that any person using the skate park facility without wearing a helmet, elbow pads, and knee pads, is subject to citation under the provisions of this Code; and
 - (2) Providing reasonable notice that any person violating any of the provisions of Section 63.0107 is subject to citation under the provisions of this Code.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

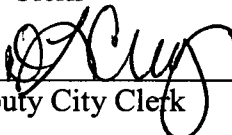
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

KAD:mm
05/20/09
Or. Dept: Park & Rec.
O-2009-144
MMS#9103

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 01 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-11-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE

(O-2009-144)

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SAN DIEGO AMENDING CHAPTER 6, ARTICLE 3,
DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE, BY
AMENDING SECTION 63.0107, RELATING TO SKATE PARK
FACILITIES LOCATED ON PROPERTY OWNED BY THE
CITY OF SAN DIEGO.

**§63.0107 ~~Use of Safety Equipment at City Skateboard~~ Skate Park Facilities Located
on Property Owned by the City of San Diego**

- (a) It is unlawful for any person to ~~ride~~ use a skateboard, ~~roller-skates, roller-~~
~~blades, or in-line skates~~ at the Robb Field Skateboard Park, or at any other
~~recreational skateboard~~ skate park facility located on property owned by
the City of San Diego, unless that person is:
- (1) ~~w~~Wearing a helmet, elbow pads, and knee pads- which are
commercially manufactured and designed specifically for the
designated activity; and
 - (2) twelve years of age or older, unless accompanied by a Responsible
adult. "Responsible adult" has the same meaning as in Municipal
Code section 58.0101.

- (b) The only devices allowed in a skate park facility are skateboards, roller-skates, roller-blades, and in-line skates. Any other devices, including but not limited to bicycles, scooters, and motorized vehicles, are unlawful to use in a skate park facility.
- (c) It is unlawful for any person to bring into a skate park facility any item, equipment, ramp or other material which can be used to perform tricks or stunts.
- (d) It is unlawful for an operator of a ~~recreational-skateboard~~ skate park facility, located on property owned by the City of San Diego, to fail to post signs at the facility:
- (1) Providing reasonable notice that any person using the skate park riding a skateboard at the facility without wearing a helmet, elbow pads, and knee pads, is subject to citation under the provisions of this Code; and
- (2) Providing reasonable notice that any person violating any of the provisions of Section 63.0107 is subject to citation under the provisions of this Code.

KAD:mm
05/20/09
Or. Dept: Pack & Rec.
O-2009-144
MMS#9103

STRIKEOUT ORDINANCE

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NEW LANGUAGE: UNDERLINE

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FACILITIES LOCATED ON PROPERTY OWNED BY THE
CITY OF SAN DIEGO.

§63.0107 Use of ~~Safety Equipment at City Skateboard~~ Skate Park Facilities Located on Property Owned by the City of San Diego

- (a) It is unlawful for any person to ~~ride~~ use a skateboard, roller-skates, roller-
blades, in-line skates, or similar device(s) ~~at the Robb Field Skateboard~~
~~Park, or at any other recreational skateboard~~ skate park facility located on
property owned by the City of San Diego, unless that person is:
- (1) ~~w~~Wearing a helmet, elbow pads, and knee pads: which are
commercially manufactured and designed specifically for the
designated activity; and
 - (2) twelve years of age or older, unless accompanied by an adult.
- (b) The only devices allowed in a skate park facility are skateboards, roller-
skates, roller-blades, in-line skates, or similar devices. Any other devices,

including but not limited to bicycles, scooters, motorized vehicles or similar devices, are unlawful to use in a skate park facility.

(c) It is unlawful for any person to bring into a skate park facility any item, equipment, ramp or other material which can be used to perform tricks or stunts.

(d) It is unlawful for an operator of a ~~recreational skateboard~~ skate park facility, located on property owned by the City of San Diego, to fail to post signs at the facility providing reasonable notice that any person using the skate park ~~riding a skateboard at the~~ facility without wearing a helmet, elbow pads, and knee pads, is subject to citation under the provisions of this Code.

KAD:mm
05/20/09
Or. Dept: Park & Rec.
O-2009-144
MMS#9103

Passed by the Council of The City of San Diego on SEP 1 2009, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 11 2009

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Devenson Cruz*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 28 2009, and on SEP 11 2009

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Devenson Cruz*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 19897