

ORDINANCE NO. 16-0033

**AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING MANHATTAN BEACH MUNICIPAL CODE
SECTION 12.48.050 (CONDUCT IN PARKS) AND ADDING
A NEW SECTION 12.48.052 (SPECIAL RULES FOR
SKATE PARKS) TO CHAPTER 12.48 (BEACHES, PARKS
AND RECREATION)**

RECITALS

1. The Legislature has designated certain conditions under which the use of skateboards and other wheeled recreational devices at public skate parks is deemed to be a hazardous recreational activity that creates a substantial risk of injury to participants and spectators. The City Council considers any use of skateboards or other wheeled recreational devices at a Skate Park to be such a hazardous recreational activity.

2. The City's skate parks, including skate spots, are not supervised by the City on a regular basis. All participants and spectators at such facility voluntarily assume the risk of substantial injury.

**NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY
ORDAINS AS FOLLOWS:**

SECTION 1. Manhattan Beach Municipal Code Section 12.48.050(H) (Conduct in Parks) is hereby amended to read as follows:

"H. Use of skateboards or other wheeled recreational devices (as defined in Section 12.48.052), other than as provided in Section 12.48.052;"

SECTION 2. Manhattan Beach Municipal Code Chapter 12.48 (Beaches, Parks and Recreation) is hereby amended to add a new Section 12.48.052 (Special rules for skate parks) to read as follows:

"12.48.052 – Special rules for skate parks

A. **Definitions.** For purposes of this section the following definitions shall apply:

"Skate" or "skating": the riding of a skateboard or other wheeled recreational device.

"Skate Park": any City owned or operated skate park facility, including but not limited to skate spots. Such skate park facility includes the skating surface and the viewing area.

“Wheeled recreational device”: nonmotorized bicycle, scooter, in-line skates, roller skates, or wheelchair.”

B. Skate park regulations.

1. Skating is deemed to be a hazardous recreational activity and the City shall not be liable for injuries incurred by persons who participate in any such activity.
2. Skate Parks are designed and maintained, and hereby designated as skateboard parks in which skating is permitted, pursuant to the provisions of this Section.
3. Any person skating at a Skate Park is deemed to be knowledgeable of its inherent dangers, and, having such knowledge, is deemed to have expressly assumed all risks of injury, to the fullest extent permitted by law.
4. It shall be unlawful for any person to engage in, or for any adult responsible for the supervision of a minor, to permit such minor to engage in any of the following acts at a Skate Park:
 - a. Skating with a device other than a skateboard or other wheeled recreational device on the Skate Park skating surface.
 - b. Skating without a fully functional helmet, elbow pads, and knee pads.
 - c. Skating, if under the age of 12, without direct supervision by an adult.
 - d. Skating in or on any area other than the Skate Park skating surface. Without limitation, skating in or on any benches, curbs, driveways, parking lots, planters, playground equipment, railings, sidewalks, steps, or tables shall constitute a violation of this privilege.
 - e. Skating on the Skate Park skating surface while it is wet.
 - f. Possessing at the Skate Park any glass container.
 - g. Any other conduct prohibited by Chapter 12.48.
5. The Director of Parks and Recreation shall post the rules and regulations at the Skate Parks. It shall be unlawful and a citable offense for any person to violate any provision of this Section, or any such posted rule or regulation. A violation of this Section shall constitute an infraction.

SECTION 3. CEQA. The City Council finds that the adoption of the proposed ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Title 14, Chapter 3, California Code of Regulations (CEQA Guidelines), Section 15061(b)(3). It can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment because this Ordinance amends rules of conduct at park facilities.

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 a decision of any court of any 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, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED _____, 2016.

AYES:

NOES:

ABSENT:

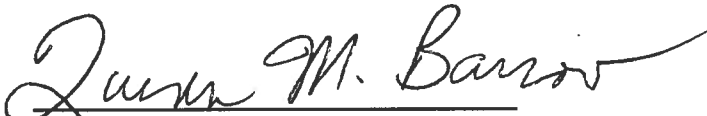
ABSTAIN:

TONY D'ERRICO
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:



QUINN M. BARROW
City Attorney