

## ORDINANCE 1058B

### AN ORDINANCE ADOPTING RULES AND REGULATIONS REGARDING SKATEBOARDING, BIKING, SCOOTER AND ROLLER-SKATING FACILITIES

**WHEREAS**, the City has authorized the placement of skate ramps and jumps on an existing concrete pad area in Robert 'Chief' Jimenez Park as a temporary solution to the removal of the skate park area formerly at McBean Park; and

**WHEREAS**, Health & Safety Code § 115800(a) provides that an operator of a skate park shall not permit a person to ride a skateboard or other wheeled recreational device in the park, unless that person is wearing a helmet, elbow pads and knee pads; and

**WHEREAS**, section 115800(b) provides that if the facility is owned or operated by a local public agency and is not supervised on a regular basis, the city may fulfill the requirements of subdivision (a) by adopting a local ordinance requiring participants to wear helmets, elbow and knee pads; and

**WHEREAS**, also pursuant to section 115800(b), the City is required to post signs at the park notifying the public that failure to wear a helmet, elbow and knee pads may subject the participant to citation.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LINCOLN** does ordain as follows:

**Section 1. Incorporation of Recitals.** The City Council hereby incorporates by reference the recitals set forth above.

**Section 2. Severability.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

**Section 3. Publication.** Within fifteen days of passage of this Ordinance, the City Clerk shall cause the full text of the Ordinance, with the names of those City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger. In lieu of publishing the full text of the Ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the Ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the Ordinance. The publication of a summary of the Ordinance in lieu of the full text of the Ordinance is authorized only where the requirements of Government Code § 36933(c)(1) are met.

**Section 5. Adoption.** Chapter 12.18 of the Lincoln Municipal Code is hereby adopted as follows:

**CHAPTER 12.18 SKATEBOARDING, ROLLER-SKATING, BIKING, SCOOTER PROHIBITED IN CERTAIN AREAS; SKATE FACILITY REGULATIONS**

**Section 12.18.010 - Site Designation.**

Skateboarding, biking, scooter, roller skating, in-line skating, and similar activities are prohibited in city parks and recreational facilities unless specifically authorized in areas designated by this section. The skate facility in Robert 'Chief' Jimenez Park is hereby designated for skateboarding, biking, scooter and in-line skating (the "skate facility"). The boundaries of the skate facility shall be defined by a fence and the signs required by this section.

**Section 12.18.010 - Prohibitions and Regulations.**

Within the skate facility, it shall be unlawful for any person to:

- (1) Ride, operate, or use a skateboard, bike, scooter, roller-skating or in-line skates unless that person is wearing a helmet designed for skateboard and/or in-line skating use with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic kneecaps, which equipment shall be in good repair at all times during use.
- (2) Ride, operate, or utilize a skateboard, bike, scooter, roller skates or in-line skates unless such equipment is in good repair at all times during use.
- (3) Enter or use an amenity within the skate facility while another person is using it unless designed for use by multiple individuals.
- (4) Place or utilize additional obstacles or other material (including but not limited to ramps or jumps) within the skate facility.
- (5) Use the skate facility amenities when the surface of the amenities is wet or other conditions exist which could adversely affect the safety of skateboarders or skaters.
- (6) Enter the skate facility unless actively skateboarding, biking, scootering, roller skating or in-line skating in accordance with these regulations.
- (7) Use, consume, or have within his or her custody or control, food or beverages within the skate facility.
- (8) Use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs within the skate facility.

(9) Enter or be upon the skate facility while under the influence of alcoholic beverages or illegal drugs.

(10) Use or possess glass containers, bottles or other breakable glass products within the skate facility.

(11) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying), or any other activity which could endanger the safety of persons using the skate facility or spectators.

(12) Engage in graffiti, tagging or other defacing of city property or the property of others.

(13) Enter or be upon the skate facility at any time except during regular city park hours of operation.

(14) Ride, operate, or utilize any device other than a skateboard, bike, scooter, roller skates or in-line skates (prohibited devices include, but are not limited to, motorized vehicles) on the skate facility.

#### **Section 12.18.020 – Signage.**

The skate facility shall be posted with signs at the following locations:

(1) At each entrance to the skate facility.

(2) On the fences of the skate facility, facing the interior of the skate facility. The signs shall be not less than two feet by three feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than one inch in height, the following language:

#### **WARNING**

Skateboarding and in-line skating are hazardous recreational activities.

Use of this facility may result in serious injuries or death. The city does not assume any responsibility for injuries or death. Each person entering the facility assumes all risk of injury or death. California Health and Safety Code section 115800.

#### **Section 12.18.030 – Violation.**

It is unlawful for any person to ride, operate, or utilize a skateboard, bike, scooter, roller skates or in-line skates unless that person is wearing a helmet designed for skateboard, bike, scooter, roller skate use and/or in-line skating with a chin strap, elbow pads designed for skateboard, bike, scooter, roller skate and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic kneecaps, which equipment shall be in good repair at all times

during use. Any person failing to comply with this section shall be subject to citation and penalties pursuant to Lincoln Municipal Code chapters 1.16 and 1.20.

**INTRODUCED** at a regular meeting of the City Council of the City of Lincoln held on December 13, 2022.

**PASSED AND ADOPTED** on January 10, 2023.

AYES: COUNCILMEMBERS: Andreatta, Karleskint, Brown, Lauritsen, Joiner

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

Paul Joiner, Mayor

ATTEST:



---

Gwen Scanlon, City Clerk