



ORD-27

CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



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www.LBParks.org

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February 7, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare Ordinance amending Sections 16.16.015 and 16.16.017 of the Long Beach Municipal Code, related to allowing non-motorized recreational apparatus with wheels in designated skateparks for a one-year trial period, read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 1, 2, 4, 5, 6 and 9)

DISCUSSION

In 2004, the Houghton Park skatepark was opened to the public and the City Council approved Section 16.16.017 of the Long Beach Municipal Code, which created a one-year trial period for the coexistence of skateboard riders and bicycle motocross (BMX) riders only at the Houghton Park skatepark. During the trial period, there were no incidents, injuries, or conflicts of any kind reported, and both skateboard riders and BMX riders peacefully and safely coexisted. However, when the one-year trial period expired in 2005, it was never formally extended. Therefore, for the last several years, any BMX rider in a City skatepark has technically been in violation of the law and subject to citation, although a ban on bikes and other apparatus in the skateparks has not been actively enforced.

Since 2004, five additional skateparks have been built throughout the City, at 14th Street Park, Bixby Park, Drake Park, El Dorado Park West, and Orizaba Park, with a new skatepark at Ernest S. McBride, Sr. Park under construction. In addition to skateboards and BMX bikes, the use of the skateparks by other types of non-motorized recreational apparatus with wheels, such as in-line skates and scooters, has increased dramatically. All of these different types of non-motorized recreational apparatus have peacefully and safely coexisted in the City's skateparks.

At its August 18, 2011 meeting, the Parks and Recreation Commission approved a recommendation to the City Council to amend the Municipal Code to allow non-motorized recreational apparatus with wheels in City skateparks, as compatible with state law, for a one-year trial period.

The Department of Parks, Recreation and Marine is requesting a revision to Sections 16.16.015 and 16.16.017 of the Municipal Code to allow the use of non-motorized recreational apparatus with wheels in all City skateparks for a one-year trial period. At the end of the one-year trial period, if all riders continue to peacefully and safely coexist, all riders will then be allowed to permanently use City skateparks, which will cause Section 16.16.017 to be eliminated, and Section 16.16.015 to define the law. All riders must comply with park safety by wearing helmets and elbow and knee pads at all times. In addition, in order to comply with state law, the amended section would require that "children under the age of fourteen (14) are not permitted to use skateparks without adult supervision."

This matter was reviewed by Deputy City Attorney Gary J. Anderson on October 21, 2011, and Budget Management Officer Victoria Bell on October 26, 2011.

TIMING CONSIDERATIONS

City Council action is requested on February 7, 2012, in order to implement the Ordinance in a timely manner.

FISCAL IMPACT

Adoption of the Ordinance will result in minimal costs associated with updating the existing signage at each location to reflect the applicable municipal code. Sufficient funding is available in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR). There is no impact to jobs associated with the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE



JIM McDONNELL
CHIEF OF POLICE

GC:JM:JK:BL:lh
Attachment: Ordinance

APPROVED:



PATRICK H. WEST
CITY MANAGER

REDLINE

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16.16.015 Designated Skatepark.

A. "Designated Skatepark" means an area within a park or other public property which is posted as a skatepark permitting one or more skate activities, and which is reserved exclusively, either during all hours of operation, or during posted times, for one or more skate activities.

B. "Director" means the director of parks, recreation and marine or his designee.

C. "Skate activity" means the use of a "skateboard", as defined in section 10.54.010 of this code, or rollerskating", as defined in section 10.52.010 of this code any non-motorized recreational apparatus with wheels.

D. "Skater" means any person participating in a skate activity.

E. The director is authorized to temporarily designate an area on any public property as a designated skatepark.

F. Skaters must wear a safety helmet, elbow pads and kneepads at all times while participating in a skate activity within a designated skatepark.

G. No person, other than a skater ~~or a BMX bike rider~~, as authorized and posted pursuant to section 16.16.017, is permitted within a designated skatepark, except that spectators may sit or stand in areas designated for that purpose.

H. No organized activity, event or competition shall take place in any designated skatepark without the written permission of the director.

I. No portion of any designated skatepark may be modified, altered, or added to in any manner without the written permission of the director.

~~J. Except as authorized and posted pursuant to section 16.16.017 of this chapter, no bicycles or scooters are permitted within any designated skatepark.~~

J. K. Skate activities are limited within the designated skatepark to surfaces, equipment or obstacles installed for that purpose. No skate activity is permitted on walls

1 or other boundary structures or seating areas immediately surrounding or adjoining the
2 designated skatepark.

3 L. K. Children under the age of fourteen (14) are not permitted to use skateparks
4 without adult supervision.

5 L. All non-motorized recreational apparatus with wheels shall be in good
6 working order, properly equipped and in a condition which does not cause mud or dirt to
7 be deposited in the skatepark.

8 M. The director is authorized to post additional rules he determines are
9 necessary for the safe operation of the designated skatepark.

10 A violation of this section shall be an infraction punishable by a fine of not more
11 than one hundred dollars (\$100.00) for a first offense and not more than two hundred
12 dollars (\$200.00) for a second offense within a twelve (12) month period. Three (3) or
13 more violations of this section within a twelve (12) month period may be charged as a
14 misdemeanor.

15
16 16.16.017 - ~~BMX bicycles~~ Non-motorized recreational apparatus with wheels in
17 designated skateparks.

18 A. ~~"Bike rider"~~ "Rider" means a person using a ~~BMX bicycle~~ non-motorized
19 recreational apparatus with wheels in a designated skatepark.

20 B. ~~"BMX bike"~~ "Non-motorized recreational apparatus with wheels" means any
21 type of recreational or sports apparatus without a motor that is propelled by human force
22 and moves on wheels, such as a bicycle, skateboard, scooter, in-lineskates, etc. ~~a single~~
23 ~~speed bicycle with wheels between eighteen inches (18") and twenty inches (20") in~~
24 ~~diameter, a free front wheel, and a working handbrake on the rear wheel.~~

25 C. "Director" means the director of parks, recreation and marine or his
26 designee.

27 D. ~~"Properly equipped BMX bike"~~ means a bicycle that has handlebar grips.
28 ~~Pegs, if any, shall be smooth with end caps, or must be removed before entering the~~

1 skatepark. All non-motorized recreational apparatus with wheels ~~The bicycle~~ shall be in
2 good working order, properly equipped and in a condition which does not cause mud or
3 dirt to be deposited in the skatepark.

4 E. On a trial basis, the utilization of non-motorized recreational apparatus with
5 wheels ~~BMX bike riding is permitted in the Houghton park skatepark~~ all City owned
6 skateparks (except El Dorado Park West) during hours determined by the director.

7 F. ~~Bike riders~~ Riders must wear a safety helmet, elbow pads and kneepads at
8 all times while riding within the skatepark.

9 G. ~~Only properly equipped BMX bikes may be ridden in the skatepark. The final~~
10 ~~determination as to whether a bicycle is a properly equipped BMX bike shall be made by~~
11 ~~the director.~~

12 H. ~~_____~~ The director is authorized to post additional rules he determines are
13 necessary for the safe operation of the designated skatepark.

14 I. ~~_____~~ H. ~~_____~~ The director shall have the discretion to terminate the pilot program
15 prior to its scheduled conclusion.

16 J. ~~_____~~ I. ~~_____~~ This section shall cease to be of any effect on ~~October 1, 2005,~~
17 February 28, 2013 unless extended.

18 A violation of this section shall be an infraction punishable by a fine of not
19 more than one hundred dollars (\$100.00) for a first offense and not more than two
20 hundred dollars (\$200.00) for a second offense within a twelve (12) month period. Three
21 (3) or more violations of this section within a twelve (12) month period may be charged as
22 a misdemeanor.

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF LONG BEACH AMENDING THE LONG
BEACH MUNICIPAL CODE BY AMENDING SECTIONS
16.16.015 AND 16.16.017, ALL RELATING TO
SKATEBOARDING

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 16.16.015 of the Long Beach Municipal Code is
amended to read as follows:

16.16.015 - Designated Skatepark.

A. "Designated Skatepark" means an area within a park or other
public property which is posted as a skatepark permitting one or more skate
activities, and which is reserved exclusively, either during all hours of
operation, or during posted times, for one or more skate activities.

B. "Director" means the director of parks, recreation and marine or
his designee.

C. "Skate activity" means the use of any non-motorized
recreational apparatus with wheels.

D. "Skater" means any person participating in a skate activity.

E. The director is authorized to temporarily designate an area on
any public property as a designated skatepark.

F. Skaters must wear a safety helmet, elbow pads and kneepads
at all times while participating in a skate activity within a designated
skatepark.

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G. No person, other than a skater as authorized and posted pursuant to section 16.16.017, is permitted within a designated skatepark, except that spectators may sit or stand in areas designated for that purpose.

H. No organized activity, event or competition shall take place in any designated skatepark without the written permission of the director.

I. No portion of any designated skatepark may be modified, altered, or added to in any manner without the written permission of the director.

J. Skate activities are limited within the designated skatepark to surfaces, equipment or obstacles installed for that purpose. No skate activity is permitted on walls or other boundary structures or seating areas immediately surrounding or adjoining the designated skatepark.

K. Children under the age of fourteen (14) are not permitted to use skateparks without adult supervision.

L. All non-motorized recreational apparatus with wheels shall be in good working order, properly equipped and in a condition which does not cause mud or dirt to be deposited in the skatepark.

M. The director is authorized to post additional rules he determines are necessary for the safe operation of the designated skatepark.

A violation of this section shall be an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for a first offense and not more than two hundred dollars (\$200.00) for a second offense within a twelve (12) month period. Three (3) or more violations of this section within a twelve (12) month period may be charged as a misdemeanor.

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///

1 Section 2. Section 16.16.017 of the Long Beach Municipal Code is
2 amended to read as follows:

3
4 16.16.017 Non-motorized recreational apparatus with wheels in
5 designated skateparks.

6 A. "Bike Rider" means a person using a non-motorized recreational
7 apparatus with wheels in a designated skatepark.

8 B. "Non-motorized recreational apparatus with wheels" means any
9 type of recreational or sports apparatus without a motor that is propelled by
10 human force and moves on wheels, such as a bicycle, skateboard, scooter,
11 in-line skates, etc.

12 C. "Director" means the director of parks, recreation and marine or
13 his designee.

14 D. All non-motorized recreational apparatus with wheels shall be in
15 good working order, properly equipped and in a condition which does not
16 cause mud or dirt to be deposited in the skatepark.

17 E. On a trial basis, the utilization of non-motorized recreational
18 apparatus with wheels is permitted in all City owned skateparks during hours
19 determined by the director.

20 F. Bike Riders must wear a safety helmet, elbow pads and
21 kneepads at all times while riding within the skatepark.

22 G. The director is authorized to post additional rules he determines
23 are necessary for the safe operation of the designated skatepark.

24 H. The director shall have the discretion to terminate the pilot
25 program prior to its scheduled conclusion.

26 I. This section shall cease to be of any effect on February 28,
27 2013, unless extended.

28 A violation of this section shall be an infraction punishable by a fine of

1 not more than one hundred dollars (\$100.00) for a first offense and not more
2 than two hundred dollars (\$200.00) for a second offense within a twelve (12)
3 month period. Three (3) or more violations of this section within a twelve (12)
4 month period may be charged as a misdemeanor.

5
6 Section 3. The City Clerk shall certify to the passage of this ordinance by
7 the City Council and cause it to be posted in three (3) conspicuous places in the City of
8 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
9 Mayor.

10 I hereby certify that the foregoing Ordinance was adopted by the City
11 Council of the City of Long Beach at its meeting of _____, 20__,
12 by the following vote:

13
14 Ayes: Councilmembers: _____
15 _____
16 _____
17 _____
18 _____

19 Noes: Councilmembers: _____
20 _____

21 Absent: Councilmembers: _____
22 _____

23
24
25 _____
City Clerk

26
27
28 Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664