

DEPARTMENT: Public Works

BY: Dana Hertfelder
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Waive first reading and introduce Ordinance Waive second reading and adopt Ordinance amending Section 12.32 Skateboard Regulations of the County Code.

Existing State Law provides that skateboarding at a public skateboard park constructed after January 1, 1998, is a hazardous recreational activity if the person skateboarding is 14 years of age or older, the skateboarding activity is stunt, trick, or luge skateboarding, and the skateboard park is on public property. Section 115800 of the Health and Safety Code prohibits an operator of a skateboard park from allowing any person to ride a skateboard in the park without a helmet, elbow pads, and knee pads. In order to comply with the requirements of Section 115800 of the Health and Safety Code, local public agencies operating a skateboard park, which is not supervised on a regular basis, are required to;

- 1) Adopt a local ordinance requiring any person skateboarding at the facility to wear a helmet, elbow pads and knee pads.
- 2) Post a sign at the facility requiring that any persons using 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.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 6, 2004 the Board of Supervisors authorized the award of a contract to Alison Sierra for construction of the skateboard park.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Do not adopt ordinance. This action would result in the skateboard park not being deemed a hazardous recreational activity within the meaning of section 831.7 of the Government Code.

Financial Impact? () Yes (X) No Current FY Cost: \$
 Budgeted In Current FY? (X) Yes () No () Partially Funded
 Amount in Budget: \$ _____
 Additional Funding Needed: \$ _____
 Source:
 Internal Transfer _____
 Unanticipated Revenue _____ 4/5's vote
 Transfer Between Funds _____ 4/5's vote
 Contingency _____ 4/5's vote
 () General () Other

Annual Recurring Cost: \$

List Attachments, number pages consecutively

CLERK'S USE ONLY:

Res. No.: _____ X Ord. No. 1016
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

CAO: BLH

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

MARIPOSA COUNTY ORDINANCE NO. 1016

**AN ORDINANCE AMENDING CHAPTER 12.32
OF THE MARIPOSA COUNTY CODE**

WHEREAS, Health and Safety Code Section 115800 prohibits any operator of a skateboard facility owned or operated by a local public agency that is designated and maintained for the purpose of recreational skateboard use, and that is not supervised on a regular basis, to permit any person to ride a skateboard unless wearing a helmet, elbow pads, and knee pads; and

WHEREAS, the Board of Supervisors desire to comply with Health and Safety Code Section 115800 by adopting an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 12.32.050 entitled "Penalty" shall be renumbered to Section 12.32.070. The new sections 12.32.050 entitled "Safety equipment required at skating facilities"; and 12.32.060 entitled "Signs at skateboard parks" shall be added to Chapter 12.32 of the Mariposa County Code. Sections 12.32.050 through 12.32.070 shall read as follows:

12.32.050 Safety equipment required at skating facility.

Every person skateboarding, roller blading, roller skating, or using any other coaster device at a publicly owned or operated facility for such use shall wear a helmet, elbow pads and knee pads while so skateboarding, roller blading, roller skating or using any other coaster device.

12.32.060 Signs at skateboard parks.

The Public Works Department is hereby directed to post and maintain signs at all publicly owned skate parks within the County providing notice that any person riding a skateboard, skates, or using any other coaster device 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 for an infraction pursuant to Section 1.20.030 of this Code.

12.32.070 Penalty.

Any person violating any provisions of this Chapter is guilty of an infraction punishable in accordance with the provisions of Section 1.20.030 of the Mariposa County Code as follows:

A. A fine not exceeding one hundred dollars (\$100), plus assessments as prescribed by law, and other sections relating thereto, for a first violation;


B. A fine not exceeding two hundred dollars (\$200), plus assessments as prescribed by law, and other sections relating thereto, for a second violation of the same ordinance within one (1) year;

C. A fine not exceeding five hundred dollars (\$500), plus assessments as prescribed by law, and other sections relating thereto, for each additional violation of the same ordinance within one (1) year.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code § 25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 21st day of January 2005 by the following vote:

AYES: STETSON, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:



THOMAS P. GUARINO
County Counsel



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222


GARRY R. PARKER, CHAIR
DOUG BALMAIN, VICE-CHAIR
LEE STETSON
BOB PICKARD
JANET BIBBY

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT V
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DANA HERTFELDER, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SECTION 12.32
SKATEBOARD REGULATIONS OF THE COUNTY CODE

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 21, 2004

ACTION AND VOTE:

Dana Hertfelder, Public Works Director;

A) Waive First Reading and Introduce an Ordinance Amending Section 12.32 Skateboard Regulations of the County Code

BOARD ACTION: Discussion was held with Dana Hertfelder relative to enforcing the use regulations of the Skateboard park. Supervisor Parker suggested that the youth be included in working with the County to come up with rules and regulations on how the facility will be operated, along with others that have been involved in the project. Chairman Pickard requested that staff follow through with this matter. Supervisor Bibby initiated discussion relative to requiring the users to fasten their safety gear, and she encouraged them to do so. Tom Guarino, County Counsel, advised that the ordinance is written to meet the intent of the Health and Safety Code, and advised that he could research this issue for further consideration.

(M)Stetson, (S)Bibby, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

cc: Mary Hodson, Deputy County Administrative Officer
Tom Guarino, County Counsel
File