

ORDINANCE NO. 3543 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**AMENDING SECTION 23-14 OF THE MONTEREY CITY CODE REGARDING THE CITY'S
SKATE PARK**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the City currently allows skateboarding, roller skating, and in-line skating at its Skate Park;

WHEREAS, existing law provides a public entity is not liable for injuries arising from skateboarding in a non-supervised skateboard park owned or operated by a public agency where: 1) the public agency has an ordinance requiring the use of helmets, knee pads, and elbow pads; and 2) it posts these requirements at the skateboard park, along with a warning that a failure to wear the protective gear will subject a person to citation;

WHEREAS, recent legislation (AB 1146, amending Health and Safety Code section 115800) has expanded the immunity from skateboard injuries (only) to injuries arising from use of other "wheeled recreational devices." Such devices include non-motorized wheelchairs, scooters, roller skates and in-line skates. The ordinance revisions will extend immunity to City for injuries sustained by users of non-motorized wheelchairs, scooters, roller skaters and in-line skaters at the Skate Park;

WHEREAS, the City wishes to amend the City Code to state clearly helmets, knee pads, and elbow pads are required for all users of the Skate Park; and

WHEREAS, The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 2: The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 3: Section 23-14 shall be amended as shown:

Sec. 23-14. Skate Parks

a) Skate parks are for the use of persons riding the following non-motorized recreational devices: skateboards, scooters, wheelchairs, roller skates or in-line skates only. Any other use by operators of bicycles or other vehicles or similar devices is prohibited. No person shall utilize any skate park unless wearing a helmet, elbow pads and knee pads.

b) Signs shall be posted at City skate park(s) as notice to any person using the facility that they must wear a helmet, elbow pads and knee pads and that any person failing to do so will be subject to citation for violating this section, prohibition from using the facility, or both. One sign shall be posted at any entrance to the skating area and one or more sign(s) shall be posted at another location within the skating area.

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 21st day of June, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



 Mayor of said City



 City Clerk thereof

