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ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9.47. - SKATEPARKS

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.47 entitled "Skateparks" of Title 9 of the El Dorado County Ordinance Code is hereby replaced and amended in its entirety to read as follows:

Chapter 9.47 – Skate Parks and Bike Parks

Sec. 9.47.010. Title.

This chapter shall be known as the County Skate and Bike Park Ordinance.

Sec. 9.47.020. Purpose.

A. The purpose of this chapter is to promote the public peace and the health, safety, and welfare of residents of the County by establishing regulations for the use of skate parks and bike parks owned or operated by the County. This chapter does not preclude other civil or criminal actions in regard to conduct proscribed herein.

B. The County Board of Supervisors hereby declares that skateboarding and bicycling is a hazardous recreational activity pursuant to California Government Code section 831.7. Individuals using a skate or bike park owned or operated by the County shall assume all risk of injury or loss.

Sec. 9.47.030. Safety equipment.

Any person entering, using, or remaining in a skate or bike park owned or operated by the County shall wear proper safety equipment for skating or for bicycling, including, but not limited to, a secure helmet, knee pads, and elbow pads. All safety equipment shall be functional, properly sized, and in good repair. Helmets shall conform to State standards relating to bicycle safety helmets.

Sec. 9.47.040. Regulations.

For purposes of this section, the term “park” refers to any skate park or bike park owned or operated by the County. All persons entering, using, or remaining in the park shall comply with the following rules and regulations:

- A. No person shall use the park at times other than the posted hours of use at the park. Hours of use are subject to change. The County may close the park whenever it determines that such closure is necessary, such as during the County Fair, special events, inclement weather or following vandalism, graffiti, or a gross violation of the rules and regulations. In addition to other penalties specified herein, use of the park after posted hours or during a time of closure may result in a trespassing citation and denial of future use of the park.
- B. All persons entering, using, or remaining in the park must wear a shirt and applicable safety equipment while on park property.
- C. No person may bring structures, obstacles, or other materials, such as ramps or jumps, into the park.
- D. Smoking, tobacco, drugs, and alcoholic beverages are prohibited anywhere at or near the park.
- E. It shall be unlawful to engage in graffiti, tagging, or other defacing (such as the placing of stickers or decals) on park property or the property of others, as more specifically proscribed in Chapter 9.50.
- F. Except for authorized guide dogs and service animals, animals are prohibited in the park.
- G. Glass containers are prohibited anywhere at or near the park.
- H. Recklessness, horseplay, foul language, vandalism, littering and disrespect to park property, staff and/or other park users is prohibited.
- I. No person shall skate or bicycle on curbs, fences, railings, walls, benches, tables, and/or driveways of the County-owned area surrounding the park. Park users shall be considerate of nearby businesses and residents in the surrounding neighborhood.
- J. No skating or bicycling is allowed at the park when the park surfaces are wet.
- K. All injuries, whether major or minor, suffered at the park are to be reported to County.
- L. The County shall not be responsible for any personal belongings lost or stolen at the park.
- M. Amplified music and sound systems are prohibited at the park unless prior written authorization for use of amplified sound for special events is obtained from the parks and recreation manager or designee.
- N. Climbing on or over the park fence is prohibited.
- O. No motorized vehicles, including remote control cars and electric bicycles, are allowed at the park.
- P. No barbecues or open flames are allowed at the park.
- Q. No digging of soil or vegetation, changing trails, or riding off trail is allowed at the park.

Sec. 9.47.050. Enforcement.

A. Any violation of these rules and regulations will result in immediate expulsion from the park and County Fairgrounds property (if applicable). Three violations within a consecutive 12-month period shall result in a suspension of use of the park for up to one year.

B. Violation of the provisions of this chapter shall, in the discretion of the enforcing authority, be deemed an infraction or a misdemeanor and, pursuant to Chapter 1.24, may be subject to punishment according to the general penalties described in Chapter 1.24.

C. In addition to authorized law enforcement agencies, County parks and recreation staff shall have authority to enforce this chapter, issue administrative citations for violations of the provisions of this chapter and confiscate personal property which are being used or operated in violation of the provisions of this chapter.

D. Any person who is adversely affected by an enforcement action or issuance of an administrative citation from County parks and recreation staff may appeal said action or citation within ten (10) business days of the enforcement action or citation date by filing a written appeal with the Chief Administrative Office. An appeal hearing will be scheduled within ten (10) business days of the filing of the written appeal. A written decision on the appeal will be issued within ten (10) business days of the hearing. The decision of the Chief Administrative Office shall be final.

Sec. 9.47.060. Notice.

A sign or signs shall be posted at all park facilities providing notice that the violation of the park's rules and regulations shall subject the violator to the penalties described in Section 9.47.050.

Sec. 9.47.070. Negligence per se.

Any person who fails or refuses to comply with the provisions of this chapter and who is injured while using the park shall be deemed negligent per se.

Section 2. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2023, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of Supervisors

Ayes:

By _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: _____

Title: _____