

# Attachment 1

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
AMENDING CHAPTER 9.05 OF THE MUNICIPAL CODE OF THE CITY OF EL  
PASO DE ROBLES REGARDING SKATE PARK AND PUMP TRACK FACILITIES**

WHEREAS, El Paso de Robles Municipal Code Chapter 9.05 regulates skate park facilities in accordance with Health and Safety Code Section 115800; and

WHEREAS, a pump track is a small, looping asphalt trail system with rhythmically connected rollers and banked turns that can be ridden continuously without pedaling. Riders use their arms and legs to pump their bikes around the track; and

WHEREAS, the City desires to regulate pump track facilities in accordance with Health and Safety Code Section 115800 within El Paso de Robles Municipal Code Chapter 9.05.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. The Council hereby Chapter 9.05 is hereby amended to read as follows:

**“Chapter 9.05 SKATE PARK AND PUMP TRACK FACILITIES**

**9.05.010 Skate park and pump track facility use and fines.**

- A. Definitions. For the purpose of this section, the following definitions shall apply:
1. Bicycle/BMX bike. A bicycle/BMX bike means a vehicle with two wheels in tandem, propelled by pedals and having handlebars for steering and a saddle-like seat.
  2. In-line Skates. In-line skates means footwear containing four or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.
  3. Pump Track. A pump track means a surface that involves a circuit of rollers, banked turns, and features designed to be ridden completely by riders generating momentum by up and down body movements, instead of pedaling or pushing.
  4. Roller skates. Roller skates means a form of skate with four nonmetallic wheels affixed to the bottom of each boot or shoe with a wheel situated at the outer four corners of each boot or shoe.
  5. Scooter. A scooter means a vehicle with a narrow footboard mounted between or atop two tandem wheels that has an upright steering handle attached to the front wheel, and is propelled by pushing one foot against the ground while standing on the footboard with the other foot.
  6. Skateboard. A skateboard means a board-like object which has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.
  7. Skate Park. A skate park means a designated park facility having surfaces designed for skating and skateboarding.

8. Strider. A strider means a bicycle without pedals that a rider propels by pushing their feet against the ground.
  9. Tricycle. A Tricycle means a vehicle with three wheels in tandem, propelled by pedals and having handlebars for steering and a saddle-like seat.
  10. Unicycle. A Unicycle means a one-wheeled pedal driven vehicle.
- B. All users of a skate park or pump track facility are required to wear appropriate safety gear, including helmets, elbow pads and knee pads at all times, pursuant to the requirements of California Health and Safety Code Section 115800.
  - C. Pursuant to California Health and Safety Code Section 115800, a skate park and a pump track facility are public facilities owned by the City and are deemed hazardous recreational activities within the meaning of Government Code Section 831.7.
  - D. A skate park facility is for use by persons using skateboards, roller skates and in-line skates only. All other uses are prohibited.
  - E. A pump track facility is only for use by persons using a bicycle/BMX bike, unicycle, tricycle, strider, skateboard, scooter, in-line skates, and roller skates propelled solely by human power. All other uses are prohibited.
  - F. Alteration of a skate park or pump track facility is prohibited.
  - G. Foreign obstacles are prohibited within a skate park and on a pump track, including but not limited to ramps, rails, barricades, or cones.
  - H. Smoking is not permitted at a skate park or pump track facility.
  - I. No food or drink or any glass containers are permitted at a skate park or pump track facility.
  - J. No littering at a skate park or pump track facility.
  - K. No motorized equipment shall be used in a skate park or pump track facility.
  - L. No amplified music is permitted at a skate park or pump track facility.
  - M. No spectators shall be on a skate park or pump track while in use.
  - N. Any child 12 years of age or younger shall be supervised by an adult at all times while at a skate park or pump track facility.
  - O. A skate park or pump track facility shall not be used when the track is unsafe to use, including but not limited to wet or icy conditions.
  - P. All persons using a skate park or pump track facility shall do so at their own risk.
  - Q. All persons using a skate park or pump track facility shall comply with all posted signage.
  - R. A violation of any part of this chapter is an infraction and the fine for such violation shall be as follows:
    1. For a first offense, the fine shall be twenty dollars;
    2. For a second offense, the fine shall be fifty dollars;
    3. For a third or subsequent offense within any twelve-month period, the offender's right to use a skate park or pump track facility shall be suspended for a period of not less than six consecutive months.

## **9.05.020 Posting of skate park and pump track facility regulations.**

The director of public works shall ensure that a skate park and pump track facility is posted with signs affording reasonable notice of the following:

- A. That any person using a skate park or pump track facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation as provided for in Section 9.05.010(R);
- B. That using a skate park or pump track facility is deemed to be a hazardous recreational activity and that the City of El Paso de Robles entity may not be liable for injuries incurred by persons participating in the hazardous recreational activity.

## **9.05.030 Record of skate park and pump track facility injuries.**

- A. The director of community services shall maintain a record of all known or reported injuries by users of a skate park or pump track facility.
- B. The director of administrative services shall maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the city.”

Section 3. California Environmental Quality Act (CEQA). Under Section 15378(b)(2), continued administrative activities such as policy making are not CEQA projects. The amendments to Municipal Code Section 9.05 are policies adopted by the City Council to regulate pump track facilities in addition to the skate park facilities. Additionally, pursuant to Section 15061(b)(3) CEQA does not apply to this amendment because there is no potential for causing a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36937.

Section 6. Publication. A summary of this Ordinance was published at least five (5) days before its adoption and a summary shall be published by the City Clerk within fifteen (15) days of its adoption in a newspaper of general circulation published and circulated within the City, showing the names of those members of the City Council voting for and against the Ordinance.

# Attachment 1

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INTRODUCED at a regular meeting of the City Council held on \_\_\_\_\_, 2024, for first reading by the City Council of the City of El Paso de Robles, and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John Hamon, Mayor

Attest:

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Melissa Boyer, City Clerk