

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

UPDATE OF SAFETY AND SECURITY AT 3-DIAMOND SKATE PARK.

Summary Statement:

Section 115800, of the California Health and Safety Code provides limited immunities from liability for government entities “provided specific” conditions are met. The code states: No operator of a skateboard park shall permit any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and knee pads. For a public agency with an unsupervised skate facility, this requirement is satisfied with adoption of a local ordinance requiring that any person riding a skateboard in the facility wear the required safety gear and that the public entity posts signage affording reasonable notice that any person riding a skateboard in this facility must wear a helmet, knee and elbow pads and that any person failing to do so will be subject to citation. The Town of Apple Valley has adopted the required Ordinance and has posted the required signage.

With completion of the 3-Diamond Skate Park renovation, there has been a significant increase in usage by the community. Unfortunately, the increased usage has also led to a significant increase of “non-compliant users” with regard to use of the required safety gear. Since completion of the skate park improvements and its re-opening to the public, Code Enforcement staff has provided daily education and information to facility users regarding required safety gear. In addition, Code officers have required those who were inside the facility without this gear to cease use of the facility and to leave until they could return with proper safety gear. These have generally been warnings and did not result in a citation or confiscation of riding equipment. Many times staff finds that those who were kindly asked to exit the facility simply wait until the Code Officers have left and then re-enter the facility to use it in direct violation of the rules and their knowledge of those rules.

(Continued)

Recommended Action:

Receive and File

Proposed by: Ralph Wright, Parks and Recreation Manager

Item Number: _____

T. M. Approval: _____

Budgeted Item Yes No N/A

In an effort to gain compliance with the law and the safety rules for this facility, additional "Warning/Notice" signage (beyond that required by law) has been posted to ensure there is no doubt of the safety gear requirement.

Additionally, in concert with the Police and Code Enforcement Departments, staff intends to immediately enact a "zero-tolerance" enforcement program at 3-Diamond Skate Park.

This increased level of enforcement will include:

- 1) Issuance of administrative citations to anyone found to be inside the facility without the required helmet, knee and elbow pads
- 2) Confiscation of riding equipment used in violation of the municipal code while inside 3-Diamond Skate Park.
- 3) Continued failure to gain compliance with the required safety gear rules for use of 3-Diamond Park will result in locked closure of the facility for up to 3 days to allow staff to exert proper safety control of this facility. "Any subsequent decision to close the facility for compliance issues will be made under the authority of the Parks and Recreation Manager in consultation with the Town Manager or designee.

This zero tolerance policy will be managed in consultation with the Police Department, Code Enforcement Division and Parks staff and will ensure that the Town is in compliance with state law and providing the safest possible recreation experience for users of this newly improved and expanded recreation facility.