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GRANADA COMMUNITY SERVICES DISTRICT

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AGENDA MEMORANDUM

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To: Board of Directors  
From: Delia Comito, Assistant General Manager  
By: Bill Parkin, District Counsel  
Subject: Consideration and Approval of Ordinance Related to Use of Skateboard Facilities on District Property  
Date: July 11, 2019

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This item is for the Board to consider approving an ordinance to limit the liability of installing and operating skateboard ramps on District property.

Government Code section 831.7(a) provides that, subject to certain exceptions, “Neither a public entity nor a public employee is liable to any person who participates in a hazardous recreational activity.” “Hazardous recreational activity” is defined as “a recreational activity conducted on property of a public entity that creates a substantial, as distinguished from a minor, trivial, or insignificant, risk of injury to a participant or a spectator.”

However, Health and Safety Code section 115800(a) states that “An operator of a skateboard park shall not permit a person to ride a skateboard or other wheeled recreational device in the skateboard park, unless that person is wearing a helmet, elbow pads, and knee pads.” Subdivision (b) of this code section further limits liability for skate parks owned or operated by a public agency that complies with the following:

- (1) Adoption by the local public agency of an ordinance requiring a person riding a skateboard or other wheeled recreational device at the facility to wear a helmet, elbow pads, and knee pads.
- (2) The posting of signs at the facility affording reasonable notice that a person riding a skateboard or other wheeled recreational device in the facility must wear a helmet, elbow pads, and knee pads, and that a person failing to do so will be subject to citation pursuant to the ordinance required by paragraph (1).

The District is going to move a skateboard ramp from Caltrans property to District property. Adoption of an ordinance in compliance with Health and Safety Code section 115800(b) will serve to limit the District’s risk of liability associated with the skateboard ramp. Adoption of an ordinance and the posting of signs will also help satisfy the requirement of the District’s insurer.

Staff recommends that the Board adopt the attached ordinance. After adoption, a second reading of the ordinance and publication will be required in order for the ordinance to take effect.

# GRANADA COMMUNITY SERVICES DISTRICT

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE AMENDING DISTRICT ORDINANCE CODE RELATING TO SKATEBOARD FACILITIES

The Board of Directors of the Granada Community Services District ordains as follows:

**Section 1.** The Granada Community Services District Code is hereby amended by adding the following section to Article 3.5, to read as follows:

### **Section 363. Skateboard Facilities**

363(01) Skateboarding is a hazardous recreational activity. Because of the particular design features of a skateboard facility, and the performance of tricks and stunts at such facility, any person who skateboards at a skateboard facility, as well as any person assisting in or spectating in proximity to such activity, does so at their own risk. Individuals so using a skateboard facility owned or operated by the District shall assume all risk of injury or loss.

363(02) Skateboard facilities shall have fixed hours of use, which hours shall be posted at each such facility. No person shall use, remain in or enter a District skateboarding facility other than during the hours posted at such facility. The District may close any skateboard facility whenever it determines that such closure is necessary.

363(03) No person shall ride a skateboard in or on a District skateboard facility except while wearing a helmet, elbow pads, and knee pads. The District shall post signs at all skateboarding facilities indicating that a person riding a skateboard or other wheeled recreational device in these facilities must wear a helmet, elbow pads, and knee pads, and that a person failing to do so will be subject to citation pursuant to this ordinance and all other applicable provisions of the District Code.

363(04) No person shall ride bicycles, scooters or skates in or on District skateboard facilities.

363(05) Any person who violates this section may be subject to citation and enforcement pursuant to Article VIII of the Granada Community Services District Code.

### **Section 2. CEQA COMPLIANCE**

This Ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378, subdivision (b). In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in Section

15061, subdivision (b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

**Section 3. SEVERANCE CLAUSE**

The Board declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this Ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this Ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this Ordinance is held invalid, the Board declares that it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

**Section 4.** Upon adoption, this Ordinance shall be entered into the minutes of the District Board, shall be published one time in a newspaper published in the County of San Mateo, and shall be effective at the end of the week of publication or 30 days after the date of final passage, whichever is later.

The above and foregoing Ordinance was regularly introduced at a meeting of the Board of Directors of the Granada Community Services District held on the 11<sup>th</sup> day of July 2019, and approved by the following vote:

- AYES: and in favor thereof:
- NOES: Members:
- ABSENT: Members:
- ABSTAIN: Members:

Signed:

\_\_\_\_\_  
Barbara Dye, President Pro Tem

Attest:

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Delia Comito, Secretary