

REGULAR

NUMBER: 304

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ADDING SUBSECTION 7.02 TO CHAPTER 9 (PARKS) OF TITLE V OF THE
MILPITAS MUNICIPAL CODE RELATING TO THE MILPITAS SKATE PARK**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of January 28, 2020, upon motion by Councilmember Montano and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City of Milpitas has dedicated the Milpitas Skate Park facility at the Milpitas Sports Center Complex for the purpose of skateboarding, rollerblading and other recreational activities using non-motorized wheeled devices; and

WHEREAS, skateboarding, rollerblading and other recreational activities using wheeled devices are inherently hazardous recreational activities; and

WHEREAS, the City of Milpitas desires to establish facility use regulations to ensure safe use of the Milpitas Skate Park; and

WHEREAS, the City of Milpitas desires to limit its liability by clearly communicating safe use regulations to the public.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 9, SECTION 7

Title V, Chapter 9, Section 7 of the Milpitas Municipal Code is hereby amended to add subsection V-9-7.02, to read as follows:

V-9-7.02 - Use of the Milpitas Skate Park, located at the Milpitas Sports Center Complex

7.02-1 The purpose of this subsection V-9-7.02 is to provide regulations governing the conduct of Milpitas Skate Park users for the purpose of enforcement and administration in addition to the general regulations in Chapter 9.

7.02-2 The following regulations shall apply at the Milpitas Skate Park:

1. Users are required to wear helmets, knee pads and elbow pads at all times in the skate bowls.
2. Non-city provided obstacles, ramps or jumps are not allowed.
3. Skate Park use is on a first-come, first-served basis. The facility is open to all skateboarders, roller skaters, cyclists, wheelchair users and others operating non-motorized, wheeled devices.
4. Users under twelve (12) years of age must be accompanied by a parent or guardian.
5. Unsafe or reckless behavior is not allowed.
6. Glass is not allowed.
7. Drinking or eating on the skate surface is not allowed.
8. Smoking and vaping are not allowed.
9. Animals are not allowed in the skate bowls.

10. Users of the Skate Park do so at their own risk. The City provides no on-site supervision. The City shall not be liable for any injuries or damage resulting from the use of this facility.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.