

ORDINANCE NO. 980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ADDING CHAPTER 8.56 TO THE LANCASTER MUNICIPAL CODE RELATING TO THE USE OF SKATEBOARDS AND OTHER SIMILAR DEVICES

WHEREAS, skateboarding and roller skating upon public and private property is a common practice and activity within the City of Lancaster; and

WHEREAS, skateboarding and roller skating upon public and private property creates a potentially hazardous condition that may cause damage to property and/or result in collisions with pedestrians and/or automobiles; and

WHEREAS, the City Council of the City of Lancaster has determined that it is in the public interest and welfare to add Chapter 8.56 to the Lancaster Municipal Code, in order to impose restrictions upon the use of skateboards, roller skates and other similar devices.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 8.56 (“Skateboards, Roller Skates and Similar Devices”) is hereby added to the Lancaster Municipal Code as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, 2012, and placed upon its second reading and adopted at a regular meeting of the City Council on the _____ day of _____, 2012 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 980, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

EXHIBIT "A"

CHAPTER 8.56

SKATEBOARDS, ROLLER SKATES AND SIMILAR DEVICES

Sections:

- 8.56.010 Purpose.**
- 8.56.020 Definitions.**
- 8.56.030 Operation upon designated public property prohibited.**
- 8.56.040 Operation upon designated private property prohibited.**
- 8.56.050 Unsafe operation prohibited.**
- 8.56.060 Designation of public property as a No Skateboard or Roller Skating Area.**
- 8.56.070 Posting of required signs.**
- 8.56.080 Exemptions.**
- 8.56.090 Violation and penalty.**
- 8.56.100 Severability.**

8.56.010 Purpose.

The purpose of this chapter is to regulate and restrict the use and operation of skateboards, roller skates and other similar devices in order to ensure that such devices are not operated within unsafe areas and to protect the public health, safety and welfare.

8.56.020 Definitions.

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

“Business district” has the same meaning as set forth in Section 235 of the California Vehicle Code.

“City” means the City of Lancaster.

“Private property” means any real property held by private interests that are used primarily for business, commercial, retail, office space, business park, religious, multifamily or recreational purposes. The term “private property” shall include the sidewalks, parking lots, alleys, parking facilities, plazas, outdoor sitting areas and courtyards located within and/or upon such property.

“Public property” means any real property owned or maintained by the city or any other public entity or public utility within the city’s jurisdictional boundaries.

“Roller skates” means any footwear, or device which may be attached to the foot or footwear, to which wheels are attached (including wheels that are in line) and where such wheels may be used to aid the wearer in moving or propulsion.

“Skateboard” means a board of any material that is designed for the user/rider to stand or sit upon, which has wheels attached to it, is propelled or moved by human, gravitational or mechanical power and may be operated with or without a separate steering mechanism to control the turning of the wheels and may be operated with or without a mechanical braking system that will allow the user/rider to stop the wheels.

8.56.030 Operation upon designated public property prohibited.

It is unlawful for any person to utilize any skateboard, roller skates or other similar device to ride or move about in or on any public property when such public property has been designated by resolution of the City Council as set forth in section 8.56.060 and posted as a “No Skateboard or Roller Skating Area” as set forth in section 8.56.070.

8.56.040 Operation upon designated private property prohibited.

It is unlawful for any person to utilize any skateboard, roller skates or other similar device to ride or move about in or on any private property within a business district without the direct or implied consent of the owner if there is displayed in plain view on such private property a sign prohibiting such conduct and referring to this chapter. It shall be the responsibility of the private property owner to post and maintain all signs pursuant to this section, and such signs shall conform to the size and content requirements set forth in section 8.56.070.

8.56.050 Unsafe operation prohibited.

It is unlawful for any person to ride upon or utilize any skateboard, roller skates or other similar device in a manner that creates a nuisance. For the purpose of this section, “nuisance” is defined as any activity that: (i) threatens injury to any person or property, public or private; (ii) creates an obstruction or presents a hazard to the free and unrestricted use of public or private property by pedestrians or motorists; or (iii) generates loud or unreasonable noise.

8.56.060 Designation of public property as a No Skateboard or Roller Skating Area.

The City Council may designate any public roadway, sidewalk or other public property as a “No Skateboarding or Roller Skating Area.” The City Council shall designate such area(s) and the time(s) when such activity is prohibited by resolution and order the posting of appropriate signage as required by section 8.56.070.

8.56.070 Posting of required signs.

An area designated by resolution of the City Council as a “No Skateboard or Roller Skating Area” shall be posted with signs that provide substantially as follows: “skateboarding, roller skating or similar activity is prohibited by Chapter 8.56 of the Lancaster Municipal Code.” Such signs shall be posted in plain view of all entrances to the property or area and shall be not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height.

8.56.080 Exemptions.

Any device designated, intended and used solely for the transportation of infants, the handicapped or incapacitated persons, devices designed, intended and used for the transportation of merchandise to and from the place of purchase and other wheeled devices, when being used for either of these purposes, shall be exempt from this chapter. Additionally, the City Council may, by resolution, suspend the enforcement provisions of this chapter to accommodate special events.

8.56.090 Violation and penalty.

A first violation of this chapter shall be deemed an infraction and is punishable by a fine of twenty-five dollars (\$25.00). A second violation of this chapter committed by the same person shall be deemed an infraction and is punishable by a fine of fifty dollars (\$50.00). A third violation and each subsequent violation of this chapter committed by the same person shall be deemed a infraction and is punishable by a fine not exceeding one hundred dollars (\$100.00).

8.56.100 Severability.

If any part or provision of this chapter is found to be invalid or unenforceable by a court of law, such invalidity shall not affect any other part or provision herein, and all remaining provisions of this chapter will be valid and enforceable to the fullest extent permitted by law.

RESOLUTION NO. 12-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DESIGNATING NO SKATEBOARDING OR ROLLER SKATING AREAS PURSUANT TO SECTION 8.56.060 OF THE LANCASTER MUNICIPAL CODE

WHEREAS, the City Council (the "City Council") of the City of Lancaster (the "City") has introduced Ordinance No. 980 (the "Proposed Ordinance"), which, if adopted, will add Chapter 8.56 to the Lancaster Municipal Code relating to the use of skateboards and other similar devices; and

WHEREAS, Section 8.56.060 of the Proposed Ordinance provides that the City Council may designate any public roadway, sidewalk or other public property as a "No Skateboarding or Roller Skating Area" and that the City Council shall designate such area(s) and the time(s) when such activity is prohibited by resolution and order the posting of appropriate signage as required by section 8.56.070 of the Proposed Ordinance; and

WHEREAS, by this Resolution, the City Council desires to designate certain public roadways, sidewalks and/or other public property as "No Skateboarding or Roller Skating Areas" pursuant to Section 8.56.060 of the Proposed Ordinance; and

WHEREAS, it is the City Council's intent that the provisions of this Resolution take effect and become operative if, and only if, the City Council adopts the Proposed Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER AS FOLLOWS:

Section 1. The City Council (the "City Council") of the City of Lancaster (the "City") hereby designates the public roadways, sidewalks and other public property listed and set forth on Exhibit "A" (attached hereto and incorporated herein by reference) as "No Skateboarding or Roller Skating Areas" pursuant to Section 8.56.060 of the Proposed Ordinance.

Section 2. Upon the effective date of this Resolution (as set forth in Section 3), City staff is directed to and shall post the signage required by section 8.56.070 of the Proposed Ordinance.

Section 3. This Resolution shall take effect immediately upon the effective date of the Proposed Ordinance. In the event the City Council does not adopt the Proposed Ordinance, this Resolution shall be of no force or effect.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }
CITY OF LANCASTER }

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, CA do hereby certify that this is a true and correct copy of the original Resolution No. 12-56, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

EXHIBIT "A"

NO SKATEBOARDING OR ROLLER SKATING AREAS

