

**ORDINANCE NO. 2010-162**

**ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,  
AMENDING THE REGULATIONS FOR THE  
LAGUNA NIGUEL SKATEBOARD PARK  
TO ALLOW USE OF BICYCLES**

The City Council of the City of Laguna Niguel does ordain as follows:

**SECTION 1. Findings and Purpose.**

1. The City of Laguna Niguel opened the Laguna Niguel Skateboard Park in 2003, for skating and skateboarding and it has been in use for that purpose since 2003.
2. The Laguna Niguel City Council by the adoption of Ordinance No. 2003-127 adopted regulations for the operation of the Skateboard Park and those regulations limit the use of the Skateboard Park to skating and skateboarding.
3. Members of the public have requested that the City allow the use of bicycles at the Skateboard Park.
4. The City Council desires to allow the use of bicycles at the Skateboard Park subject to restrictions on the types of bicycles that can be used and regulations regarding the use of those bicycles.

**SECTION 2. Skateboard Park Regulations.**

Article 6 (entitled "Skateboard park regulations") of Division 1 ("Parks, Beaches and Recreation Areas"), of Title 13 ("Parks and Recreation Facilities"), of the Laguna Niguel Municipal Code is amended to read as follows:

**Sec. 13-1-101. Definitions.**

1. "Approved bicycles" means bicycles that meet the following restrictions and requirements.
  - a. Only bicycles that are BMX type bicycles or bicycles that are intended to be used for jumping or riding on dirt, streets or in skate parks are approved bicycles.
  - b. Bicycles that are of the following types or are intended for the following purposes are not approved bicycles.

Downhill, cross country, mountain, trail, tandem, 10 speeds,

29ers or similar types of bicycles, track or fixed gear bicycles, road bicycles, beach cruisers, folding bicycles, motorized bicycles, electric bicycles, tricycles, unicycles, big wheels, stair cycles, free riding bicycles, trailers, sidecars, or any type of bicycle that is not a BMX type bicycle or is not intended to be used for jumping or riding on dirt, streets or in skate parks.

- c. Only bicycles with a wheel size of 26 inches in diameter or less are approved.
- d. Bicycles must be hard tail (have no rear suspension). Bicycles with front suspension are only approved if their front suspension is limited to 100 millimeters of travel or less.
- e. Only single speed bicycles are approved. Bicycles with multiple gears are not approved.
- f. Bicycles may not have training wheels.
- g. Bicycles may not have kickstands.
- h. Bicycles with tires that could track mud and/or other debris into the Park are not approved.
- i. The pedals on the bicycles must be aluminum or plastic.
- j. Handlebars on the bicycles must have end caps or grips that cover the end of the bars.
- k. Bicycles may not be faulty, damaged or broken or unsafe or unfit for use at the Park.
- l. If a bicycle has pegs, the pegs must comply with the following:
  - (1) They must be plastic or smooth metal with aluminum capped ends. They may not be made of any metal other than aluminum.
  - (2) They must not have holes, serrations, grip tape, grooves or be made of any other type of surface that is not smooth.
  - (3) If the pegs on a bicycle do not comply with this article, they must be removed in order for the bicycle to be used at the Park.

If the Director determines that pegs on bicycles are causing damage to the Park, the Director is authorized to prohibit the use of bicycles with pegs.

City staff is authorized to implement and apply the regulations and restrictions in this section to determine whether bicycles are approved bicycles. Further, City staff is authorized to determine whether bicycles are unsafe or unfit for use at the Park. City staff's determination as to whether a bicycle is or is not in compliance with the regulations and restrictions or whether a bicycle is unsafe or unfit for use at the Park shall be final.

2. "Bike" or "biking" means to ride, operate or use a bicycle.
3. "City" means the City of Laguna Niguel.
4. "Director" means the City of Laguna Niguel Director of Parks and Recreation.
5. "In-line skates" means in-line skates, also known as rollerblades, which are 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.
6. "Park" means the Laguna Niguel Skateboard Park located on Alicia Parkway, Laguna Niguel, California, and it includes the skate area at the Park.
7. "Permit" means the permit issued by the City to allow skating, skateboarding and/or biking at the Park.
8. "Person" means both the singular and the plural and shall also mean and include a person or individual.
9. "Skate" or "Skateboard" means to ride, operate or use skates or a skateboard.
10. "Skate area" means the area of the Park specifically designated pursuant to this article for skating, skateboarding and/or biking.
11. "Skateboard" means a board of any material, which has wheels attached to it and which, if propelled or moved by human gravitational or mechanical power, and to which there is not fixed any device or mechanism to turn or control the wheels.
12. "Skates" means any footwear or device, which may be attached to the

footwear, to which wheels are attached and such wheels may be used to aid the wearer in moving or propulsion. "Skates" includes rollerskates, in-line skates, and rollerblades.

Sec. 13-1-102. Skateboard Permit Required.

No person shall skate, skateboard or bike at the Park unless and until he or she has received from the City a permit pursuant to this article.

Sec. 13-1-103. Skateboard Park Regulations.

To insure the enjoyment, safety and proper use of the Park, all persons using the Park, including all persons skating, skateboarding or biking at the Park, shall comply with each and every one of the following regulations.

1. No person shall skate, skateboard or bike unless that person is wearing a helmet designed for skateboarding, in-line skating and/or biking uses with a chin strap, elbow pads designed for skateboarding, in-line skating and/or biking uses with plastic elbow caps and knee pads designed for skateboarding, in-line skating and/or biking uses with plastic knee caps.
2. No person shall skate, skateboard or bike unless all the required equipment is in good repair at all times during use.
3. No person shall ride, use or operate a bicycle that is not an approved bicycle as defined in Section 13-1-101.
4. No person shall enter or be upon the skate area at any time other than during the posted hours of operation for the Park. No person shall enter or be upon the skate area at any time that the Park is closed or when City staff has closed the skate area.
5. No person shall skate, skateboard or bike anywhere at the Park except in the skate area.
6. No person shall ride, operate or utilize in the skate area any device other than a skateboard, skates or bicycle. Prohibited devices include, but are not limited to, scooters, razors and motorized vehicles.
7. Spectators are not allowed in the skate area. No person shall enter or be upon the skate area unless that person is actively skateboarding, skating or biking in accordance with these regulations.

8. No person shall place any additional piece of equipment, obstacle, apparatus, or other material, including, but not limited to, ramps, jumps or rails, within the skate area, and no person shall use any such additional piece of equipment, obstacle, apparatus or other material.
9. No person shall skate, skateboard or bike when the surface of the skate area is wet or other conditions exist which adversely effect the safety of skateboarders, skaters and/or bikers.
10. There shall be no simultaneous biking and skating or skateboarding. No person shall skate or skateboard in the skate area during the time it is designated for biking and no person shall bike in the skate area during the time it is designated for skating and skateboarding.
11. No person shall use or engage in profanity, reckless or boisterous behavior, including, but not limited to, tandem riding, pushing, horseplay, hazing or bullying, or any other activity which could endanger the safety of persons using the skate area or spectators.
12. No person shall use, consume, or have within his or her custody or control, food or other beverages within the skate area.
13. No person shall use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs at the Park.
14. No person shall enter or be upon the skate area under the influence of alcoholic beverages or illegal drugs or with his or her motor skills or judgement impaired as the result of any drugs.
15. No person shall use or possess glass containers, bottles or other breakable glass products within the Park.
16. No person shall use a portable or personal radio, stereo, CD player, or similar device in the skate area. No person shall use headphones in the skate area.
17. No person shall engage in graffiti, tagging, or other defacing of the Park.
18. All persons using the Park area must place trash in receptacles or containers provided by the City.
19. When determined by City staff that a skater, skateboarder or biker has violated one or more of the regulations set forth in this section, that person, when so directed by City staff, shall leave the skate area

and/or the Park.

Sec. 13-1-104. Permits, Hours of Operation, Designated Skate Area.

1. The Director shall establish procedures for the issuance, suspension and revocation of permits to skate, skateboard and/or bike at the Park. That process shall include, at a minimum, the following:
  - a. Persons desiring to skate, skateboard and/or bike at the Park obtaining a permit, which allows for such skating, skateboarding and/or biking.
  - b. Persons desiring to skate, skateboard and/or bike at the Park paying the fees that have been adopted by the City Council.
  - c. Persons desiring to skate, skateboard and/or bike at the Park, and where applicable their parents or guardians, being required to complete and sign a liability waiver and release, in the form acceptable to the City Attorney, waiving and releasing the City from any claims that may arise out of injuries suffered while skating, any claims that may arise out of injuries suffered while skating, skateboarding and/or biking at the Park.
  - d. Skaters, skateboarders and bikers, before receiving the required permit, being required to review and sign a statement that they have read and understand the regulations contained in this article and that they will comply with all those regulations.
  - e. Permits being suspended or revoked for skaters, skateboarders or bikers that fail to comply with the regulations set forth in Section 13-1-103.
2. The Director shall designate and demarcate the skate area, which will be the area of the Park used for skating, skateboarding and/or biking.
3. The Director shall determine when the skate area is to be used for skating and skateboarding and when the skate area is to be used for biking.
4. The hours of operation for the Park have been established by the City Council and may be changed in the future by action of the City Council.

Sec. 13-1-105. Posting of Signs.

The Director shall post signs at the entrance of the Park, at the entrance to the skate area and at other locations at the Park the Director determines are appropriate. The content of the signs shall be determined by the Director, but the signs shall generally cover the regulations in this article and have the following information and statements.

1. To skate, skateboard and/or bike at the Park, a permit must first be obtained from the City.
2. The hours the Park is open.
3. Skating, skateboarding and/or biking are only allowed when the Park is open.
4. Helmets, kneepads and elbow pads are required to be worn at all times while skating, skateboarding or biking.
5. The failure to wear helmets, kneepads and elbow pads will subject violators to citation and prosecution under the Laguna Niguel Municipal Code.
6. Skating, skateboarding and biking are hazardous recreation activities. Skaters, skateboarders and bikers skate and bike at their own risk of being injured. The City will not be liable for injuries.
7. Only skates, skateboards and approved bicycles can be used in the skate area.
8. Scooters, razors and motorized vehicles are prohibited in the skate area.
9. No skating, skateboarding and/or biking on wet surfaces.
10. No simultaneous skating or skateboarding and biking.
11. Spectators are not permitted in the skate area.
12. No portable or personal radio, stereo, CD player or similar device, and no headphones are permitted in the skate area.
13. No unauthorized pieces of equipment, obstacles or apparatus may be brought into the skate area.
14. Skating, skateboarding and/or biking outside of the skate area is prohibited.

15. Graffiti, tagging and defacing at the Park is prohibited.
16. Possession of glass containers at the Park is prohibited.
17. Tobacco, alcohol and drug use are prohibited at the Park.
18. Skating, skateboarding and/or biking while under the influence of alcohol or illegal drugs are prohibited.
19. Trash must be deposited in the trash receptacles.
20. Persons violating the regulations will be removed from the Park and may be prohibited from skating, skateboarding and/or biking at the Park in the future.
21. Persons violating the regulations will be subject to citation and prosecution under the Laguna Niguel Municipal Code.

Sec. 13-1-106. Implementation and Enforcement.

1. The City Manager is directed and authorized to adopt and promulgate procedures and regulations that are consistent with this article to implement the provisions of this article.

2. The City Manager is directed to enforce the provisions of this article, including the regulation that skaters, skateboarders and bikers wear helmets, kneepads and elbow pads when skating, skateboarding and/or biking at the Park.

Sec. 13-1-107. Violations.

Any person violating any of the regulations set forth in Section 13-1-103 may be removed from the Park. Any violation of any section of this article is deemed to be an infraction and punishable under this section according to the provisions of the Laguna Niguel Municipal Code and State law.

SECTION 3. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held 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 hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrases, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.



**SECTION 4. Effective Date.**

This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.


**SECTION 5. City Clerk's Certification.**

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**PASSED, APPROVED AND ADOPTED** this 4<sup>th</sup> day of January 2011.

  
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Gary Capata, Mayor

ATTEST:

  
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Pam Lawrence  
Deputy City Manager/Acting City Clerk

CERTIFICATION

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            )SS  
CITY OF LAGUNA NIGUEL        )

I, Pamela Lawrence, Acting City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is Ordinance No. 2010-162 which was adopted at a special meeting of the City Council of the City of Laguna Niguel, California, held January 4, 2011 by the following vote:

AYES:                            Council Members Brown, Lindholm, Ming, Mayor Pro  
  Tem Glaab and Mayor Capata

NOES:                            None

ABSTENTIONS:                None

ABSENT:                         None

  
\_\_\_\_\_  
Pam Lawrence  
Deputy City Manager/Acting City Clerk