

City of Black Diamond, Washington

ORDINANCE NO. 07-831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ADOPTING A NEW CHAPTER 8.28 TO THE BLACK DIAMOND MUNICIPAL CODE REGARDING REGULATION OF THE CITY'S SKATE PARK AND DESIGNATING THIS AN EMERGENCY ORDINANCE NECESSARY FOR THE PROTECTION OF THE PUBLIC HEALTH, PUBLIC SAFETY AND PUBLIC PROPERTY

WHEREAS, the City Council finds that it is in the best interests of the City and its citizens to protect the public's health, welfare and safety by adopting regulations regarding the use of the City's Skate Park; now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. There is hereby added a new chapter 8.28 to the Black Diamond Municipal Code which shall read as follows:

8.28 Skate Park Regulations

8.28.010 Purpose and Policy Declaration

It is the intent of this chapter to place the obligation for compliance with its requirements upon any person falling within its scope, and nothing in this chapter is intended to impose any duty upon the City of Black Diamond, or its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory. Nothing contained in this chapter shall be construed to create or to form the basis for liability on the part of the City of Black Diamond, or its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City of Black Diamond by its officers, employees, or agents.

8.28.020 Definitions

"Skate Park" means the City of Black Diamond Skate Park facility located on the 52 foot by 100 foot concrete slab at the intersection of 3rd Avenue and Park Street with a physical address of 25241 Park Street, Black Diamond, Washington.

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“Approved helmet” means a head covering designed for safety that meets or exceeds bicycle helmet safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation which are hereby adopted by reference as if fully set forth herein.

“In-line skates,” “motorized foot scooters,” “roller skates,” and “skateboards” shall have the meanings set forth in BDMC 10.32.010 as amended.

8.28.030 Hours of Use

The Skate Park shall be open daily from 9:00am. to dusk. Unless authorized by the city council, no person shall go upon or remain in the Skate Park outside of the posted hours.

8.28.040 Spectators, Bicycles and motorized vehicles prohibited in Skate Park.

The Skate Park is designed for use by skateboards, in-line skates, roller skates, and non-motorized foot scooters only. No spectators, bicycles, cross-skates, motorized foot scooters or other vehicles are allowed on the Skate Park.

8.28.050 Helmets Required

A. Any person using the Skate Park shall wear an approved helmet and shall have either the neck or chin strap of the helmet fastened securely while the skateboard, in-line skates, roller skates, or non-motorized foot scooter is in motion.

B. No person shall transport another person on or in tow of a skateboard, in-line skates, roller skates, or non-motorized foot scooter in the Skate Park unless the passenger is wearing a helmet that meets the requirements of this chapter.

C. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved helmet while skateboarding, in-line skating, roller skating, riding a non-motorized foot scooters or riding as a passenger on such device in the Skate Park, and has the neck or chin strap of the helmet fastened securely.

8.28.060 Tobacco prohibited in Skate Park.

No person shall possess or consume tobacco products in the Skate Park.

8.28.070 Disposal of Garbage.

No person shall dump or dispose of any litter or garbage in the Skate Park except in receptacles which are provided therefore. No glass, food or beverages are allowed on the Skate Park.

8.28.080 Disturbance of Peace.

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A. No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace in the Skate Park.

B. No person shall cause, make or allow to be made from audio or similar equipment under such person’s control loud music or loud noise in the Skate Park, so as to be audible greater than 100 feet from the source.

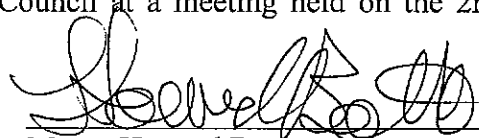
8.28.090 Violation—Penalty.

Any person violating any provision of this chapter shall be guilty of a civil infraction, and conviction thereof shall be punished by imposition of a monetary penalty of not more than seventy-five dollars, exclusive of statutory assessments. Community service hours may be imposed in addition to or in lieu of monetary penalties. In addition, the device ridden or operated at the time of the violation shall be subject to impoundment for a period of five (5) days. The impound fee set forth in the City’s Fee Resolution shall be paid prior to the release of the device ridden or operated.

Section 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

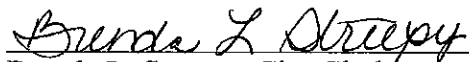
Section 3. This Ordinance is designated a Public Emergency Ordinance and shall be effective immediately. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Unanimously passed by the City Council at a meeting held on the 2nd day of August, 2007.



Mayor Howard Botts

Attest:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 8/7/07
Posted: 8/3/07
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