

BROOKINGS ORDINANCE

ORDINANCE NO. 07-0-583

AN ORDINANCE ADDING CHAPTER 12.30 "SKATE PARK GUIDELINES AND RULES TO TITLE 12 "STREETS, SIDEWALKS AND PUBLIC PLACES" OF THE BROOKINGS MUNICIPAL CODE (BMC).

WHEREAS the Brookings Skate Park was never intended to be a multi-use recreational area; and

WHEREAS the Brookings Skate Park was designed specifically to accommodate skateboarders and in-line skaters and was not designed or meant to be used by BMX bicycles or bicycles of any kind; and

WHEREAS both the Brookings City Park Commission and City Council have conducted public hearings and staff investigations into the safety issues involved in a multi-use facility; and

WHEREAS both the Brookings Park Commission and the Brookings City Council are concerned about the safety of the users of the skateboard park; and

WHEREAS the City is in possession of testimony and information regarding the safety issues raised by allowing both skateboarders, in-line skaters, BMX bicycles and bicycles of all kinds to use the Brookings Skate Park; and

WHEREAS the City of Brookings' primary concern must be for the safety of the users of the Brookings Skate Park; and

Sections:

Section 1. Ordinance Identified

Section 2. Addition of Chapter 12.30

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 12.30 "Skate Park Guidelines and Rules" to Title 12 "Streets, Sidewalks and Public Places" of the Brookings Municipal Code (BMC).

Section 2. Addition of Chapter 12.30. Chapter 12.30, "Skate Park Guidelines and Rules" is added to read as follows:

12.30.010 Creation of General Guidelines and Policies. The City may develop and authorize by resolution additional rules to govern the operation of the Brookings Skate Park.

12.30.020 Prohibited Acts.

A. No person shall use the Skate Park unless such person is wearing, at all times during such use, a safety helmet as approved under ORS 815.052. Additional safety equipment is recommended.

B. No person shall damage or deface any part of the Skate Park.

C. No person shall bring into the Skate Park or possess within the Skate Park any glass containers.

D. No person shall use the skating area of the Skate Park with anything other than a skateboard or in-line skates. No BMX bicycles, other types of bicycles and motorized or non-motorized scooters or similar devices are to be used at the Skate Park.

E. No person shall bring onto or possess within the Skate Park any alcohol, tobacco or controlled substances.

F. No person shall modify or attempt to modify any element, surface or area within or around the Skate Park.

G. No person shall enter or remain in the Skate Park except during hours posted by the City.

H. Horseplay, violence and profanity are prohibited.

#### 12.30.030 Enforcement.

Whenever a police officer has probable cause to believe that a skateboard, in-line skates, BMX bicycles or bicycles of all kinds are being used in violation of this ordinance, the skateboard, in-line skates, BMX bicycles or bicycles of all kinds may be seized as evidence and held until the disposition of any charges.

#### 12.30.040 Penalties.

A. A violation of the prohibited acts of this ordinance shall be a violation of the Brookings Municipal Code.

B. The person who violates any provisions of this ordinance may be fined, prohibited from using the Skate Park and have any property used in violation of this ordinance seized, and forfeited pursuant to the provisions of this ordinance.

#### 12.30.050 Fines and Forfeitures.

A. The fine for a first offense under this ordinance shall be \$50.00, the second violation shall be \$100.00 and third violation \$500.00.

B. Upon a third conviction, the Court may, in addition to any other penalty, order that the skateboard, in-line skates, BMX bicycles or any type of bicycle that was used at the time of the offense be impounded for a time not to exceed 30 days or forfeited.


C. Upon a third conviction the Court may order forfeiture of the skateboard, in-line skates, BMX bicycle or any type of bicycle which was ridden in violation of this chapter, unless it is proven to the Court by preponderance of the evidence that the offender is not the owner of the skateboard, in-line skates, BMX bicycle or any other type of bicycle and the owner did not or could not have reasonably known that the skateboard, in-line skates, BMX bicycle or any other type of bicycle would be ridden in violation of this ordinance.

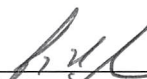
12.030.060

The provisions of this ordinance are hereby declared to be independent from one another, and if any clause, sentence, paragraph or part of this ordinance shall for any reason be adjudged by any court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance which shall be confined in its operation thereof directly to the section involved in the controversy in which such judgment shall have been rendered.

First Reading: March 12, 2007  
Second Reading: March 12, 2007  
Passage: March 12, 2007  
Effective Date: April 11, 2007

INTRODUCED AND ADOPTED By the City of Brookings Council and signed by me in authentication of its passage the 12<sup>th</sup> day of March, 2007.

  
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Mayor Pat Sherman

  
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Paul Hughes, Administrative Services  
Director/City Recorder