

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:
DH _____
CM _____
CA _____

DATE: APRIL 3, 2007

TO: CITY MANAGER / CITY COUNCIL

FROM: LIEUTENANT MARK LEVY, DANA POINT POLICE SERVICES

SUBJECT: PROPOSED AMENDMENT TO SKATEBOARDING ORDINANCE

RECOMMENDED ACTION:

That the City Council hold second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 4.02 OF THE MUNICIPAL CODE ENTITLED "ROLLERSKATING, SKATEBOARDING, AND BICYCLING PROHIBITED IN CERTAIN DESIGNATED AREAS."

ISSUE:

Should the City Council adopt an ordinance amending Chapter 4.02 of the Dana Point Municipal Code relating to rollerskating, skateboarding, bicycling, and riding of similar devices to allow private property owners and tenants to prohibit such activities on their properties without first securing City Council approval?

BACKGROUND:

In the past few years, the City has received an increasing number of complaints of incidents relating to users of rollerskates skateboards, bicycles, and similar devices within the City. Many of these complaints have been reported by private property owners and tenants who are finding it more difficult to regulate such activities on their properties. The City's current codes require private property owners and tenants to petition the City Council to declare their properties no rollerskating, skateboarding, bicycling, etc. zones.

If the City Council approves this request, the owner or tenant will continue to be responsible for posting the property in order to provide notice of the prohibition and penalty to potential violators. They will only be relieved from petitioning the council for this right on a "case by case" basis.

Law Enforcement believes that the modification of the ordinance will encourage property owners and tenants to post their properties and enhance their capabilities to respond effectively to these types of nuisance calls.

DISCUSSION:

At the City Council meeting of March 20, 2007, this Ordinance was introduced. Staff is bringing back the proposed Ordinance for adoption at this time.

NOTIFICATION AND FOLLOW-UP:

None.

STRATEGIC PLAN INITIATIVE:

Protect the health, safety and welfare of our residents, businesses and visitors.

FISCAL IMPACT:

Potential revenue generated from fines imposed on violators of Chapter 4.02 by the City.

ALTERNATIVE ACTIONS:

Vote to not adopt new ordinance.

ACTION DOCUMENTS:

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A. <u>Ordinance ("ROLLERSKATING, SKATEBOARDING, AND BICYCLING PROHIBITED IN CERTAIN DESIGNATED AREAS.....</u>	<u>3</u>
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ACTION DOCUMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 4.02 OF THE MUNICIPAL CODE ENTITLED "ROLLERSKATING, SKATEBOARDING, AND BICYCLING PROHIBITED IN CERTAIN DESIGNATED AREAS."

WHEREAS, it has come to the attention of the City that there has been an increasing problem with persons riding rollerskates, skateboards, bicycles, and similar devices on private properties that create danger for both the riders and the private property owners, tenants, and their invitees; and

WHEREAS, in order to promote the health and safety of its citizens, the City Council finds that it is in the City's best interest to regulate persons operating rollerskates, skateboards, bicycles, and similar devices on private properties; and

WHEREAS, Chapter 4.02.016 of the Dana Point Municipal Code provides that private property owners and tenants who desire to prohibit the riding of rollerskates, skateboards, bicycles, and similar devices on their property must petition the City Council to approve such restriction; and

WHEREAS, the City Council finds that the procedure that is currently required under Chapter 4.02.016 for private property owners and tenants may hinder and/or delay such individuals from regulating rollerskates, skateboards, bicycles, and similar devices on their properties and that such owners and tenants should be able to prohibit such activities without first obtaining approval from the City Council; and

WHEREAS, to preserve the beauty, health and safety of the City of Dana Point and its beaches, and the safety and welfare of its residents and visitors, the City desires to amend Chapter 4.02 entitled "Rollerskating, Skateboarding, and Bicycling Prohibited in Certain Designated Areas" of the City of Dana Point Municipal Code to allow private property owners and tenants to prohibit rollerskating, skateboarding, bicycling, and riding of similar devices without first obtaining City Council approval.

THE CITY COUNCIL FOR THE CITY OF DANA POINT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The above recitals are incorporated herein by reference.

Section 2: Chapter 4.02.016 of the Dana Point Municipal Code is hereby amended to read, in full, as follows:

4.02.016 Designation of Private Property as No Rollerskating, Skateboarding, or Bicycling Area.

(a) This section shall only be applicable to private properties located within a business district and private properties which are primarily used for commercial or recreational purposes.

(b) An owner of such of private property which is owner/occupier may designate the private property or any specific area within the private property as a no rollerskating, skateboarding, bicycling, or similar devices area by posting the property in accordance with section 4.02.018.

(c) Tenants which occupy a private property may enter into a written agreement executed by a majority of the tenants on the property and the property owner, which agreement designates the private property or any specified area thereon as a no rollerskates, skateboards, bicycles, or similar device area. The area covered by the agreement shall be posted by the tenants and/or owners in accordance with section 4.02.018.

(d) This section shall not impair or abrogate any obligation or right of a party under an agreement, regulation, covenant or other binding document.

Section 3: 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, phrase, 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: The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2007.

DIANE L. HARKEY, Mayor

ATTEST:

Kathy Ward,
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF DANA POINT)

SS

I, KATHY M. WARD, City Clerk of the City of Dana Point, DO HEREBY CERTIFY, that the foregoing Ordinance No. 07-__ was duly introduced at a regular meeting of the City Council on the ___th day of _____, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kathy M. Ward
City Clerk