1. ORAL COMMUNICATIONS
2. UPDATE ON USE OF SKATE PARK LOCATED AT MEMORIAL PARK

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POSTING STATEMENT: On October 3, 2019, a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).
STAFF REPORT

ITEM NO. 2.

DATE: October 8, 2019
TO: PUBLIC WORKS COMMITTEE MEMBERS
FROM: ROSEMARY HOERNING, INTERM CITY MANAGER
PREPARED BY: DOUG STORY, RECREATION MANAGER
SUBJECT: UPDATE ON USE OF SKATE PARK LOCATED AT MEMORIAL PARK

RECOMMENDED ACTION

It is recommended that the Public Works Committee provide a recommendation to City Council regarding Memorial Park Skate park operations options.

GOAL STATEMENT

The proposed action supports the City’s goal to promote the use and management of open space assets and to provide opportunities for recreational programs for the community.

BACKGROUND

The 10,500 square foot Upland Community Foundation Skate Park ("skate park") was built in 2002 in the southern portion of Memorial Park, located just behind the south baseball field adjacent to the parking lot of the Landecena Building. The unique features of the Upland skate park make it a sought after destination in the skateboarding community. Equipped with one of the only full vertical pipe features in California it offers amenities for the advanced skateboard rider as well as transition, vertical, street, and flat elements for those learning the sport.

Closures of the skate park began in November of 2016 when Public Works scheduled maintenance at the park and the Police Department worked aggressively towards removing criminal activity from Memorial Park. The closure of the park allowed Public Works to address maintenance repairs and allowed the Police Department to focus attention on other criminal activities throughout the entire park. At that time, other community organizations worked in partnership with the Police Department and City personnel to offer housing solutions to people potentially in need of assistance who were frequenting the park. The skate park was reopened in May of 2017 for several months, but was closed once again in late 2017.
At the City Council meeting on April 9, 2018 it was unanimously approved to reopen the skate park and to allocate funds to have part-time city employees staffing the skate park. All participants are required to sign a waiver and pay an annual one-time registration fee for entrance into the park. The skate park operates on weekends between 10:00 a.m. and 8:00 p.m., as well as Monday, Wednesday, and Fridays afterschool from 2:00 p.m. to 8:00 p.m.

The skate park was reopened in July of 2018 and has been operating under the supervision of the Recreation Division, which has been collecting the fees to offset the cost of staffing.

ISSUES/ANALYSIS

A request was made to review the current Skate Park operations and consider options to expand the Skate Park operational hours to allow community more accessible recreation time at the facility.

Hours of Operation

During regular hours of operation, a City staff member is assigned to monitor the park and surrounding areas, ensure participants have waivers, are wearing protective gear, and have paid the usage fee. Some of the skateboard community members have requested to have the operational hours extended. Under the current operational format, additional part-time staff hours would be required to check the basic rules of the park. If additional hours of operation are provided the budget for part-time salary for the Recreation Department would need to be increased accordingly. As such, it is anticipated the City would need to hire new part-time staff to provide this service to ensure staff do not exceed their allocated weekly hours.

City Ordinance Requires Pads

Health and Safety Code § 115800 generally provides that skateboarding at a publicly owned skateboard park that is unsupervised is a “hazardous recreational activity” so long as the public entity requires “helmet, elbow pads, and knee pads” and posts notice of the requirement at the park.

California Government Code 831.7 public agencies are generally immune from liability under Section 831.7 of the Government Code from claims by anyone “who knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury to himself or herself and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or persons arising out of that hazardous recreational activity.” (Emphasis added.)

As part of the City’s efforts to provide a safe environment, as well as meet the requirements of the above stated Health and Safety Code, signs requiring the use of protective padding and helmets are required for the use of an unsupervised skate park.

Signs at the entrance of the park dictate the rules for use of the park such as: functional and protective helmets, knee pads, and elbow pads are required to be worn properly at all times, skateboard and inline skates only. Listed is also the Upland Municipal Codes 3900.4 and 1200.1 regarding the use of the skate park and the enforcement of citations for violations of the posted rules.
Some skate park facilities in Southern California cities have allowed for participants 18 years and older to only wear helmets and not require elbows and knee pads. Participants under the age of 18 are required to wear full protective padding, including helmet, elbow pads, and knee pads. Some participants in the skateboard community are requesting to revisit the ordinance in regards to knee pads and elbow pads for participants over the age of 18.

City Attorney staff are guiding the implementation of the safety pad policy as it pertains to all City Municipal Codes, CA State Government Codes, and Health and Safety Codes.

Usage Fees

At this time, the fees collected to use the skate park are as follows:

- **Annual Adult Pass** $35
- **Annual Adult Pass (Upland Resident)** $30
- **Annual Youth Pass** $25
- **Annual Youth Pass (Upland Resident)** $20
- **Daily Pass** $5

The amount of fees collected has not significantly offset the cost of staffing. To date, we have collected roughly $4,000 in usage fees. The number of users at the park has decreased. Many members of the skate park community attribute the fee schedule as one of the reasons for lower usage. Many have requested to eliminate the requirement of a usage fee and have the park open to the public for free. The cost of staffing for the current operating schedule, is incorporated in the approved budget for part-time salaries and the projected revenue for the skate park would have little impact on the overall revenue projection for the department.

Calls for Service

Prior to the reopening last year, numerous calls for police/medical service at the skate park were documented. From January 1, 2015 through December 31, 2017, there were 733 calls for service. This time period accounts for a total of 36 months; the skate park was open for 26 of those months, and accounts for the approximate 10 months of closures in 2016 and 2017. Calls for service include: narcotics calls, stolen property calls, subject checks, and extra patrols for safety equipment violators, disturbance calls, etc. Each of these calls can take a various amount of time to complete, but with the issuance of citations and/or arrests, the officer can be involved with a call for several hours at a time.

Since the July 1, 2018 reopening of the skate park which included the presence of staff during the operation of the skate park facility, there have been 55 calls for police/medical service to the skate park. Calls for service include disturbance, fire, fireworks, medical assistance, subject checks, trespassing, etc. Majority of the service calls did not involve any of the skate park participants, rather, the calls involved park patrons who were in and around the skate park at the time of the call. No fights or disturbances occurred while the skate park was open. Occurrences involving minor injuries have transpired at the skate park, where part-time staff have assisted with first-aid administration and have contacted emergency medical services when required. Part-time staff have been trained by the Police Department on what issues to call for police service and what to observe. This presence by City staff has been
beneficial for Memorial Park as a whole as they have been able to help park visitors with minor issues as well as relay accurate information to the community regarding recreation events and policies.

With City staff in the park, the calls for service have been significantly reduced, decreasing the amount of time and money required for the Police Department to follow up on non-emergency and emergency calls.

**FISCAL IMPACTS**

The approved budget for staff costs is sufficient to cover the part time salaries for workers during the current operating hours.

If the skate park hours were expanded and having a staff presence was desired, additional funds would be required. As was noted having a presence in Memorial Park near this facility has been beneficial in significantly reducing the number of calls for service. Thus, decreasing the amount of time and money required for the Police Department to follow up on non-emergency and emergency calls. It is anticipated that an additional $15,000 may be required for additional staffing.

**ALTERNATIVES**

Provide alternative direction to staff.

**ATTACHMENTS:**

*Chapter 12.36 USE OF CITY SKATE PARK FACILITIES MUNICIPAL CODE*
Chapter 12.36 USE OF CITY SKATE PARK FACILITIES

12.36.010 Purpose.

It is the purpose of this chapter to establish regulations for the safe use of designated skateboard/skating areas within the city. (Prior code § 3900.1)

12.36.020 Definitions.

For the purposes of this chapter, words, phrases and terms used herein shall have their ordinary meaning, unless otherwise provided as follows:

“Roller skates” or “in-line skates,” including Rollerblades, means any shoe, boot or other footwear to which one or more wheels are attached.

“Skateboard” means any platform of any composition or size to which two or more wheels four inches or less in diameter are attached, which is intended to be ridden or propelled by one or more persons standing or kneeling upon it, and to which there is not affixed any seat or any other device or mechanism to turn or control the wheels.

“Skateboard/skating area” means a public skateboard park as that term is used in California Health and Safety Code Section 115800(d)(1), or any successor provision thereto, and includes any facility, structure or area designated by resolution of the city council as a skateboard/skating area in which skateboarding, in-line skating and/or roller skating is permitted pursuant to the provisions of this chapter. (Prior code § 3900.2)

12.36.030 Designated skateboard/skating areas.

The city council may, from time to time, designate by a resolution certain areas as a skateboard/skating area. (Prior code § 3900.3)

12.36.040 Liability.

The use of any skateboard/skating area is a hazardous recreational activity within the meaning of California Government Code Section 831.7. Subject to the provisions of that code section, the city may not be held liable for an injury incurred by any person participating in any such hazardous recreational activity. Skateboard/skating areas are not regularly supervised and all users assume all risks of injury in utilizing such areas. (Prior code § 3900.4)

12.36.050 Regulations applicable to the use of designated skateboard/skating areas.

A. No person shall skate or skateboard, or otherwise be present within any skateboard/skating areas, at all times other than those established as the hours of operation. Hours of operation shall be posted. The hours are subject to change without prior notice.

B. No person shall use any skateboard/skating area for any use other than skateboarding and skating.
C. Each person using any skateboard/skating area must wear a shirt and proper safety equipment including a helmet, elbow pads and kneepads. All such safety equipment must be functional and protective, properly sized and designed for skating or skateboarding purposes. Soft-sided shoes must be worn by skateboarders.

D. No person shall ride or use any wheeled devices other than roller skates, in-line skates, or skateboards within any skateboard/skating area. Use of any other wheeled devices including, but not limited to, bicycles, scooters, unicycles, go-carts, or wagons is prohibited.

E. No person shall possess or use alcohol or illegal drugs within a skateboard/skating area or in surrounding park areas. Tobacco products are prohibited in the skateboard/skating area.

F. No person shall litter in any skateboard/skating area. All persons using a skateboard/skating area must place any trash created or brought to the skateboard/skating area in refuse containers provided by the city. If the city provides no refuse container, each person shall be responsible for removing and disposing of such items in an appropriate manner.

G. No person shall cause graffiti or tagging in or upon any skateboard/skating area or anywhere in the surrounding park areas.

H. No person shall ride, or permit to be ridden, any skateboard or skates in a skateboard/skating area in a reckless manner or with willful disregard for the safety of persons or property.

I. No person shall skate on the curbs, sidewalk, fences, railings and/or driveway of any city-owned area surrounding or adjoining a skateboard/skating area.

J. Glass containers or other glass products are prohibited within a skateboard/skating area.

K. No ramps, jumps or other obstacles may be placed in any skateboard/skating area.

L. No skateboard/skating area may be used if any hazardous condition exists, including, but not limited to, inclement weather conditions, and/or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating area that are visible to the user.

M. All organized events utilizing a skateboard/skating area are prohibited without the prior written approval of the chief of police.

N. No animals are allowed in any skateboard/skating area.

O. Personal stereos, earphones and headphones are prohibited within any skateboard/skating area.

P. The city is not responsible for items which are lost or stolen within any skateboard/skating area.

Q. Any person suffering an injury within a skateboard/skating area must promptly report the injury to the city human resources/risk management department. (Prior code § 3900.5)

12.36.060 Signs required.

In order to provide reasonable notice to the public, signs referring to this chapter shall be posted in one or more conspicuous areas at or near the entrance to each of the skateboard/skating area, setting forth the rules and regulations established herein, including prohibited activities, and stating that any person failing to comply with any provision of this chapter shall be subject to citation. (Prior code § 3900.6)

12.36.070 Violations, penalties and enforcement.

Any person violating any of the provisions of this chapter shall be subject to removal from a skateboard/skating area, and such violation shall be punishable as an infraction as provided in Section 1.16.020 of the Upland Municipal Code. (Prior code § 3900.7)