

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No ___)

Waive readings and adopt an Urgency Ordinance prohibiting skateboarding in the downtown area of Mariposa.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

At the Board of Supervisors meeting on May 23, 2000 the Board directed County Counsel to prepare an Urgency Ordinance prohibiting skateboarding in the downtown area of Mariposa.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: () Not Applicable	
A. Budgeted current FY	\$ _____
B. Total anticipated costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____
SOURCE: () 4/5ths Vote Required	
A. Unanticipated revenues	\$ _____
B. Reserve for contingencies	\$ _____
C. Source description:	_____
Balance in Reserve for Contingencies, if approved: \$ _____	

SPECIAL INSTRUCTIONS:
List the attachments and number
the pages consecutively:

Urgency Ordinance

CLERK'S USE ONLY:
Res. No.: _____
Vote - Ayes: 5 _____
Absent: _____
Approved () _____
Minute Order Attached () _____
Ord. No. 949
Noes: _____
Abstained: _____
() Denied
() No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
____ Recommended
____ Not Recommended
____ For Policy Determination
____ Submitted with Comment
____ Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

Comment: _____

A.O. Initials: JG



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

GARRY R. PARKER, CHAIRMAN
DOUG BALMAIN, VICE-CHAIRMAN
PATTI A. REILLY
ROBERT C. STEWART
BOB PICKARD

DISTRICT IV
DISTRICT II
DISTRICT I
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DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Urgency Ordinance Prohibiting Skateboarding in Downtown Area of Mariposa; Ord. 949

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 13, 2000

ACTION AND VOTE:

Jeff Green, County Counsel;

Waive Readings and Adopt an Urgency Ordinance Prohibiting Skateboarding in the Downtown Area of Mariposa (4/5ths Vote Required)

BOARD ACTION: Discussion was held. Jeff Green advised that information is being gathered to prepare a more comprehensive ordinance which will include an update of the loitering ordinance and more than just the downtown area. This urgency ordinance is for the interim. (M)Balmain, (S)Stewart, Ord. 949 adopted.

Meriam Costello, Meriam and Company, asked if there is a curfew law and suggested that a curfew be reviewed as she feels this leads to problems also.

Ayes: Unanimous.

Additional input from the public was provided by the following:

Trish Nady stated she works for Meriam and Company, and she asked where the youth can skateboard. Jeff Green advised that skateboarding is allowed any place that it is not specifically prohibited.

Supervisor Reilly suggested that it would be good to post and distribute information as to where skateboarding is specifically prohibited.

Nancy Radanovich advised of a recent story in the Fresno Bee relative to motorized skateboards and their gain in popularity, and she suggested that this be taken into consideration in the ordinance.

Trish Nady asked about the status of the new skatepark facility. Chairman Parker advised of the status – plans are being redrawn to fit with the available funding. Trish asked how the businesses could help support the project.

Pelk Richards, Sheriff, advised of a meeting scheduled for this evening to advise skateboarders of the action being taken by the Board; he advised that information will be submitted to the newspaper for publication; and there will be a grace period of warnings.

Additional public input was provided after the following item.

Additional public input on the skateboarding ordinance: James Moore, Uncle Bingo's Skate Shop, stated his son skateboards, and he read a letter he submitted to the Gazette – young children use playgrounds and there is a need for recreational opportunities for older children. He stated he feels skateboarding should be encouraged. He stated he understands the problems created with skateboarding downtown in front of the businesses and with the tourists. He stated he would like to see the skateboard project pushed to become a reality.

cc: Pelk Richards, Sheriff
Chris Johnson, District Attorney
File

MARIPOSA COUNTY ORDINANCE NO. 949

AN ORDINANCE ADDING A NEW CHAPTER 12.32 OF THE MARIPOSA COUNTY CODE ENTITLED "SKATEBOARD REGULATIONS"

The Board of Supervisors of the County of Mariposa ordains as follows:

SECTION I: A new Chapter 12.32 is hereby added to the Mariposa County Code to read as follows:

Chapter 12.32

SKATEBOARD REGULATIONS

Sections:

12.32.010	Statement of Purpose
12.32.020	Definitions
12.32.030	Prohibition – Public property
12.32.040	Prohibition – Private property
12.32.050	Penalty

12.32.10 STATEMENT OF PURPOSE

The Board of Supervisors of the County of Mariposa makes the following findings regarding the necessity for the regulation of skateboards, rollerskates, in-line skates, rollerskis and similar devices, hereinafter referred to as "skateboards:"

12.32.020 Definitions

For the purpose of this Chapter, the following words and phrases shall have the meaning given herein:

1. **"Parking lot"** means areas that are used primarily for the parking of motor vehicles.
2. **"Private property"** means all property located within the area defined herein which is neither owned nor controlled by a governmental entity.
3. **"Public property"** means all property within the area defined herein which is either owned or controlled by a governmental entity, including but not limited to, sidewalks, highways, streets and parking lots.
4. **"Sidewalk"** means that portion of a road, street, or highway designed or ordinarily used for pedestrian travel and includes any pedestrian walkways in the area defined herein.
5. **"Skateboard, rollerskates, in-line skates and rollerskis"** means any board footwear, or any other object or device which has wheels attached to it by any means whatsoever and which is propelled by pushing, pulling or gravitational forces and to which there is not affixed any mechanism or device for steering.
6. **"Street, public street"** means that portion of any highway or street improved or designed especially for vehicular use or travel.

12.32.030 Prohibition of skateboards, etc. on public property

It is unlawful for any person to use or operate a skateboard on any public property, including but not limited to, sidewalks, highways, streets and parking lots, located in the unincorporated area known as "town of Mariposa" from the location of the east side of Mariposa Creek to the eastside of Bullion Street and from the north side of 7th Street including sidewalks to the south side of 4th Street including sidewalks and all of the area encompassed therein.

12.32.040 Prohibition of skateboards, etc. on private property

It is unlawful for any person to use or operate a skateboard on any private property within the boundaries described in 12.32.030 above, when there has been signs posted prohibiting the use of skateboards.

12.32.050 Penalty

Any person violating any provisions of this chapter is guilty of an infraction punishable in accordance with the provisions of section 1.20.030 of the Mariposa County Code as follows:

A. A fine not exceeding one hundred dollars (\$100), plus assessments as prescribed by law, and other sections relating thereto, for a first violation;

B. A fine not exceeding two hundred dollars (\$200), plus assessments as prescribed by law, and other sections relating thereto, for a second violation of the same ordinance within one (1) year;

C. A fine not exceeding five hundred dollars (\$500), plus assessments as prescribed by law, and other sections relating thereto, for each additional violation of the same ordinance within one (1) year.

SECTION II: This Ordinance is adopted pursuant to the provision of Government Code Section 25123(d) and shall take effect on June 13, 2000.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 13th day of June, 2000 by the following vote:

AYES: Reilly, Balmain, Stewart, Parker, Pickard

NOES: none

ABSENT: none

ABSTAINED: none


GARRY R. PARKER, Chairman
Board of Supervisors

ATTEST:


MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


JEFFREY G. GREEN
County Counsel