



**FINAL POLICY: March 16, 2006**

## **Spokane Parks and Recreation Board Policy**

### **Skatepark Use Policy**

Land Committee Approval: March 1, 2006

Park Board Approval: March 9, 2006

Effective Date: March 9, 2006

Revision Date: N/A

#### **1.0 PURPOSE**

- 1.1 To establish Park Board Policy regarding the use of skateparks for special or community events.
- 1.2 To adopt operating policies to monitor and regulate use of skateparks on park land in the City of Spokane.

#### **2.0 REFERENCE/AUTHORITY**

- 2.1 City Charter Article V, Parks and Park Board, Section 48 Park Board powers:

“To make Rules and Regulations for the use of parks and provide for the enforcement of such Rules and Regulations”.

- 2.2 Rules of the Park Board Section 14, General Operating Policies and Procedures, Ruling and Appeals:

“The Park Board may from time to time adopt operating policies, rules of procedures, and codes of ethics to facilitate and guide the conduct of its business, which shall be considered an appendage to these rules of the Park Board”.

“The Director of Parks and Recreation may adopt administrative rules, policies and procedures not in conflict with these rules or establish law as he/she deems necessary to orderly conduct of the Parks and Recreation Department in administering Park Board business”.

### 3.0 **DEFINITIONS**

- 3.1 **Park Use Rules (Attachment C):** Standard rules for use of parks and park facilities.
- 3.2 **User:** Individual or organization using Parks and Recreation Department skateparks for special or community events, assuming responsibility for same, and paying user fees and/or deposit related thereto.
- 3.3 **Department:** The City of Spokane Parks and Recreation Department.
- 3.4 **Director:** The Director of the City of Spokane Parks and Recreation Department.
- 3.5 **Park Hours:** Times all parks, including skateparks are regularly open to the public.
- 3.6 **Damage Deposit:** A cash deposit of specific dollars, the amount of which is determined by the Director at his/her discretion, and which is to be applied to any damage caused by the use of the Skatepark, or refunded in whole or in part. Deposits shall be refunded within one month of Skatepark use providing no damage has occurred.
- 3.7 **Use Fee:** Assessment for privilege of using/renting skateparks for special or community events.
- 3.8 **Board:** The Spokane Parks and Recreation Board.
- 3.9 **Skateparks:** All skateparks owned and/or managed by the Spokane Parks and Recreation Department.
- 3.10 **Certificate of Insurance:** A Certificate of Insurance issued by an insurance company in an amount and in such form as is approved by the City of Spokane Risk Management Department, which represent that the use holds general liability insurance which covers the use/rental activity and which names the City of Spokane and the Department as additional insured.
- 3.11 **Acknowledgments:** Use of official City of Spokane or Spokane Parks and Recreation Department logo or verbal/print acknowledgement of either shall be displayed on any printed materials associated with the use/rental.

## 4.0 **POLICY**

- 4.1 It shall be the Policy of the Board to set specific fees and guidelines for the use of skateparks for special or community events.
- 4.2 It shall be the Policy of the Board to set the annual Skatepark use/rental fees under its Park Board Fee and Charges Policy. Skatepark use fees will be used to help offset the cost of maintaining and repairing the Skatepark. **2006 Use Fee:** \$300.00 for up to two-hour use, or \$500.00 up to four-hour use.
- 4.3 No profit-making or commercial events will be scheduled.
- 4.4 Permission for use of a Skatepark is granted, upon completion of a Special Event Permit application.
- 4.5 To ensure maximum use by the public no more than one (1) special or community events may be scheduled per month. Scheduling is based on a first-come, first-served basis.
- 4.6 All special or community events held in a Skatepark must appeal to Skatepark users.
- 4.7 No exclusive use special or community events are allowed - The park must remain open for public use.
- 4.8 All inline skaters, bikers, and skateboarders are required to wear approved helmets during use of the Skatepark. Additional protective equipment such as knee, wrist, and elbow pads are highly recommended. Event organizers and sponsors are responsible for complying with Chapter 10.17.010 of the Spokane Municipal Code (*Attachment A*).
- 4.9 **Items not allowed in the Skatepark include:** Extra ramps or obstacles, scooters, motorized vehicles, alcohol and tobacco products, fighting and profanity, graffiti/tagging, stickers or decals, paint, pets, glass containers, food and beverages, weapons, and loud music.
- 4.10 Event spectators are required to remain outside the skating area.
- 4.11 Any photography shoots or media events at the Skatepark must be scheduled through the Department in compliance with the Board's Filming, Still, and Hobby Photography For Commercial Purposes in Parks and Recreation Areas or Facilities Policy.
- 4.12 Additional fees for use of surrounding park may also apply, i.e. amplified sound; canopies; tents, or other structures; food vendors; etc.

- 4.13 Use of sound amplification must comply with Park Use Rules (*Attachment C*).

## **5.0 PROCEDURES**

- 5.1 Authorization to use/rent a Skatepark for special event or community purposes is confirmed when a Special Event Permit (*Attachment B*) is signed by the Director or designee; and use fees, if applicable, are paid and the damage deposit is received by the Department.
- 5.2 The applicable fees will be determined by referring to the Board's Fees and Charges Policy.
- 5.3 Park Use Rules (*Attachment C*) shall be reviewed by user to ensure compliance. Use of this facility is strictly at your own risk. The Department does not assume any responsibility for loss or injuries.
- 5.4 A Certificate of Insurance, approved by the City of Spokane Risk Manager, must be on file with the Department prior to use/rental.
- 5.5 Use/rental activities are authorized only during times when Parks are open and available to the public. Parks are generally open from 4:00 a.m. to 11:00 p.m., Pacific Daylight Savings time; and 5:00 a.m. to 10:00 p.m. Pacific Standard time. Variations and conditions to the above stated hours of use will be confirmed in writing by the Director or designee.
- 5.6 There shall be a mandatory refundable damage deposit in the amount of \$250.00 for all Skatepark use/rentals to cover any damage to the facility and to pay for unforeseen cost to the Department related to the use/rental. Upon completion of the activity, the deposit will be returned if no damage has occurred to the Skatepark.
- 5.7 Use fees are refundable, less \$15.00 handling charge, if the usage is canceled after the user fee is paid and if written notice is received fourteen (14) days in advance of usage.
- 5.8 Use of the Skatepark with significant impact on the neighborhood adjacent to the park site requires notification to the Neighborhood Services Department and written approval from the applicable neighborhood. The user is responsible for obtaining the cooperation of residents adjacent to the Skatepark and is responsible for working out any conflicts or negative financial impacts. Failure to properly comply with this provision may result in revocation of permission to use the Skatepark and forfeiture of user fees.

- 5.9 A copy of the approved Special Event Application must be at the Skatepark site during the use/rental and be presented upon request by Department personnel.
- 5.10 Permission granted to a specified user shall not be assigned by that user to another party without the written consent of the Director or designee.

## **6.0 ENFORCEMENT**

- 6.1 Enforcement of the City of Spokane Charter and the Park Code which is within the City of Spokane Municipal Code 10.10.040 Public Parks Section D lies with the Spokane Police Department. Violations should be referred to the City of Spokane Police Department for response.
- 6.2 Enforcement of Park Rules shall be referred to Park Staff for response. In the event that Department staff find activities being conducted by a Special Event Permit user unnecessarily endangers the health or safety of any person, or that activities are or will cause damage to real or personal property, Department staff may suspend, rescind, or amend the Special Event Permit. Department staff reserves the right to restrict entry to the Skatepark and ask persons to leave the facility as the result of disorderly conduct, disturbance of the peace or rule violations.
- 6.3 The Parks and Recreation Department reserves the right to suspend, rescind, or amend the Special Event Permit at any time without incurring any liability to the user. Also, the Department reserves the right to deny a future Special Event Permit request because of previous damage by user.

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### **POLICY APPROVED BY THE SPOKANE PARK BOARD MARCH 9, 2006:**

#### **Policy distributed March 16, 2006 to:**

- ***Park Board members***
- ***Parks and Recreation Department Administrative Team Members***
- ***Neighborhood Services Department***

## **ATTACHMENT A**

### ***Skatepark Use Policy***

#### Chapter 10.17 Helmet Safety – PARTIAL INFORMATION

##### Section 10.17.010 Purpose and Policy

- A. This chapter is enacted as an exercise of the authority of the City of Spokane to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.
- B. It is the express purpose of this chapter to provide for and to promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person included within its scope, and no provision of, or term used in, this chapter is intended to impose any duty whatsoever upon the City of Spokane or any of its officers or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.
- D. Nothing contained in this chapter is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the City of Spokane 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 Spokane by its officers, employees or agents.

Date Passed: Monday, June 28, 2004

Effective Date: Wednesday, August 11, 2004

##### Section 10.17.020 Definitions

As used in this chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

"Approved helmet" means a head covering designed for safety that shall meet or exceed the requirements safety of standards adopted by the U.S. Consumer Product Safety Commission (CPSC) 15 USCS 6004, or Z-00.4 set by the American National Standards Institute (ANSI), the Snell Foundation, the ASTM (American Society for Testing and Materials), or such subsequent nationally recognized standard for helmet performance as the City may adopt. The helmet must be equipped with either a neck or chinstrap that shall be fastened securely while the wheeled-vehicle is in motion.

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is eleven inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter. Within this chapter, the term "bicycle" shall include any attached trailers, side cars and/or other device being towed by a bicycle.

"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor.

"Electric personal assistive mobility device" (EPAMD) means any device meeting the design characteristics as defined in SMC 16.04.168.

"Guardian" means a parent, legal guardian, adult with custody or temporary guardian, who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of sixteen years.

"In-line skates, roller skate, and skate shoes" means every device which is attached to the rider much like a pair of shoes or boots and which has two or more wheels attached inline or next to each other beneath, and footwear which has internal or external wheels incorporated as a part the footwear, which wheels are incorporated either inline or next to each other on the bottom of the footwear.

"Public area" means public roadways, sidewalk, bicycle paths, parks, or any right-of-way, publicly owned facility, or publicly-owned property within the City.

"Scooter" means every device with a platform having two or more of wheels beneath it and a balancing handpost or steering device, which the rider balances on top of, and which is propelled solely by human power.

"Skateboard" means every device with a platform having two or more sets of wheels beneath it, which the rider balances on top of, and which is propelled solely by human power.

Date Passed: Monday, October 25, 2004

Effective Date: Sunday, November 28, 2004

Section 10.17.030 Helmet Required

- A. Any person riding or otherwise operating any bicycle, electric assisted bicycle, electric personal assistive mobility device, in-line skates, roller skate(s), skate shoe(s), scooter or skateboard, including any passenger thereon and/or person being towed thereby, on any public area in the City shall wear an approved helmet, and shall have either the neck or chin strap of the helmet fastened securely while the device is in motion.
- B. No person shall transport another person on or tow another person on a device listed in SMC 10.17.030.A upon any public area in the jurisdiction of the City, unless the passenger is wearing an approved helmet.
- C. A guardian is responsible for requiring that a child under the age of sixteen years who is under the guardian's care wears an approved helmet, the neck or chin strap of which is fastened securely, while upon a device listed in SMC 10.17.030.A in motion, or riding as a passenger on a device listed SMC 10.17.030.A in any public area in the City.
- D. It is an affirmative defense to a violation of this section that the guardian responsible for child under the age of sixteen did require the child to wear an approved helmet at all times that the child was in the guardian's presence.
- E. It is an affirmative defense to a violation of this section for a person wearing an unapproved helmet that the helmet was furnished in conjunction with his or her rental, lease or use of a device listed in SMC 10.17.030.A by a person or organization engaged in the business of renting, leasing or loaning such devices, and that the helmet was fastened securely while riding.
- F. Provisions of chapter 10.17 SMC shall not apply to any wheeled devices such as, but not limited to, electronic scooters or wheel chairs that are designed and utilized for medically related reasons.
- G. For purposes of chapter 10.17 SMC, the requirement to wear a helmet shall mean that the helmet shall be worn on the head of the person(s) who is required to wear a helmet with the neck or chin strap of the helmet fastened securely while the device is in motion.

Date Passed: Monday, October 25, 2004

Effective Date: Sunday, November 28, 2004

Section 10.17.040 Special Events, including but not limited to Races, Exhibitions, Demonstrations, Parades and Events – Helmet Required



- A. Any person or organization managing a race, an organized event involving bicycling, a bicycle tour, or devices listed in SMC section 10.17.030.A in which will take place in whole or in part in any public area in the city, shall require that all participants riding on or in tow wear approved helmets, and such persons and organizations shall reject participants who fail to comply with the provisions of this chapter.
- B. The person or organization managing any such event, race, or tour shall include the requirement to wear approved helmets in any promotional brochures and on registration materials.
- C. It is an affirmative defense to a violation of this section for a person or organization managing an event, race, or tour that all participants were wearing approved helmets at the start of the event, race, or tour and were instructed to discontinue their participation by a person responsible for management of the event, race, or tour at any point where the participant failed to comply with the requirement of wearing an approved helmet.

Date Passed: Monday, June 28, 2004

Effective Date: Wednesday, August 11, 2004

[Section 10.17.080](#) Penalties – Civil Infraction

- A. Any person violating SMC 10.17.030.A, SMC 10.17.040.A, SMC 10.17.050.A or SMC 10.17.060.A shall have committed a class 4 civil infraction and shall be liable for monetary penalties as set forth in SMC section 1.05.210.
- B. The court may waive, reduce or suspend the civil penalty and clear the civil infraction as a warning for a person who has not been cited under this chapter within one year and provides proof that he or she has acquired an approved helmet at the time of appearance in court or has taken class on helmet safety sponsored by the Spokane Regional Health District.
- C. A guardian may be cited for a separate violation of this chapter for each child under sixteen years of age riding on or in tow of a device listed in SMC 10.17.030.A not wearing an approved helmet.
- D. Each rental and each event under subsection A of this section shall be a separate violation.

Date Passed: Monday, June 28, 2004

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Section 10.17.090 Enforcement

- A. The City of Spokane police department shall be responsible for enforcement of the provisions of this chapter.
- B. For the purpose of this chapter, law enforcement officers may at their discretion:
  - 1. Enter, during business hours, the premises of a business selling, repairing, leasing, loaning or renting bicycles or selling sporting or recreation equipment, to determine compliance with this chapter;
  - 2. Post outside the premises of a business that offers for sale, rent, lease, loan or other public purpose a list of helmets that do not meet the safety standards of this chapter, so that the public is informed; and
  - 3. Stop a participant in a race, or organized event involving any of the devices listed in SMC in 10.17.030.A or a tour that takes place in a public area, when there is a violation of the requirements of this chapter.

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