

ORDINANCE NO. 588

AN ORDINANCE AMENDING WILSONVILLE CODE CHAPTER 10 PROHIBITING THE USE OF SKATEBOARDS IN TOWN CENTER PARK AND DECLARING AN EMERGENCY.

WHEREAS, the City of Wilsonville is experiencing the use of skateboards and other similar devices being operated in a manner that is unsafe to pedestrians and in a manner that causes damage to public property in the City's recently completed Town Center Park and water feature; and

WHEREAS, as the Town Center Park Water Feature has yet to be officially opened, and yet the water feature has been deliberately vandalized in order to make it usable for skateboarding; and

WHEREAS, the water feature is not intended for skateboard use and in fact, is designed to prohibit such use; and

WHEREAS, illegal skate boarding limits the enjoyment of the law abiding park users; and

WHEREAS, video cameras have been installed to allow 24-hour a day surveillance of the water feature and park; and

WHEREAS, the provisions of this ordinance are to be strictly enforced.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Title: SKATEBOARDS

10.400 Definitions

The following words and phrases, when used in Sections 10.400–10.440 shall, for the purpose of the Section, have the following meanings:

- (1) Operating is the act of having one or more feet on the board of a skateboard or other portion designed for a foot to propel the skateboard.
- (2) Riding is the act of propelling a skateboard by means other than carrying it.
- (3) Skateboard – includes roller skates, in-line roller skates, blades, scooters, coasters, roller skis or any similar device.

10.410 Unlawful Operating or Riding a Skateboard in a Prohibited Area

(1) It shall be unlawful for any person or persons to operate or ride a skateboard in any of the following prohibited areas:

- (a) Town Center Park
- (b) Other property posted "No Skateboarding".

10.420 Intentionally Causing Damage To Town Center Park Properties By Or For Skateboarding

(1) It shall be unlawful for any person or persons with intent to damage Town Center Park property to damage Town Center Park property by:

- (a) Operation or riding of a skateboard, or
- (b) Destroying, altering, denting, breaking, impairing, mutilating, harming, or injuring Town Center property to make it usable for skateboard operation and riding.

10.430 Penalties

(1) Any person who violates the provisions of WC 10.410 shall be punished as follows:

- (a) First Offence, a fine of not less than \$100.00 nor more than \$250.00.
- (b) Second Offence within one year, shall be subject to punishment of a Class C misdemeanor (up to \$500.00 fine, up to 30 days imprisonment).

(2) Any person who violates the provisions of WC 10.420 shall be punishable as a Class A misdemeanor (up to \$2,500 fine, up to one year imprisonment).

(3) Upon conviction of WC 10.410 or WC 10.420, the Court may in addition to any other penalty order that the skateboard that was used be impounded until such times as may appear just and reasonable or may be ordered forfeiture of the skateboard. Provided, however, it shall be a defense to forfeiture if it is proven to the Court by the preponderance of the evidence that the defendant is not the owner of the skateboard and the owner did not know or could not have reasonably known that the skateboard would be ridden in violation of the provisions of this ordinance.

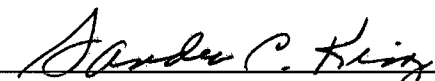
Section 2. The City is experiencing increased skateboard use and damage to its newly opened Town Center Park area and there is an immediate need to prohibit skateboard use therein to protect the public health, safety and welfare, and an emergency is hereby declared. As such, this ordinance shall take effect on the date of passage.

SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 2nd day of May, 2005, commencing at the hour of 7:00 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR.

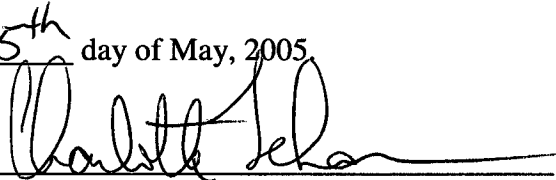

SANDRA C. KING, CMC, City Recorder

Enacted by the City Council on the 2nd day of May, 2005, by the following votes:

YEAS: -5- NAYS: -0-


SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 5th day of May, 2005.


CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Knapp	<u>Yes</u>