

Attachment

ORDINANCE NO. 358

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING VARIOUS SECTIONS OF TITLES 2, 12, AND 13 OF THE LAKE FOREST MUNICIPAL CODE TO MAKE MINOR REFINEMENTS, CORRECTIONS, CLEAN-UP AMENDMENTS; AND ADDING CHAPTER 13.22 PROHIBITING THE USE OF OPEN FLAMES ON PUBLIC PROPERTY; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Lake Forest (“City”) desires to update various sections of Titles 2, 12, and 13 of the Lake Forest Municipal Code, described particularly in this Ordinance No. 358; and

WHEREAS, such revisions are intended to, among other things, refine and clarify existing Municipal Code provisions, correct clerical errors, or provide consistency within the Code; and

WHEREAS, the City is authorized under its police power to enact regulations to preserve the public health and safety; and

WHEREAS, the City’s Code currently regulates the operation of bicycles within the City but does not explicitly address electric bicycles, motorized scooters, and electrically motorized boards, among other similar types of motorized devices, which have seen increased usage throughout the City and State; and

WHEREAS, the City desires to update its Code to explicitly refer to the aforementioned motorized modes of transportation and to define those terms in the same manner as they are used in the Vehicle Code so that there is no confusion or inconsistency between local and State law; and

WHEREAS, the Vehicle Code provides that local authorities, like the City, may regulate electric bicycles, motorized scooters, and electrically motorized boards in a manner that does not conflict with State law; and

WHEREAS, the City desires to regulate electric bicycles, motorized scooters, electrically motorized boards, and similar motorized recreational forms of transportation as allowed by State law; and

WHEREAS, the City desires to further update its Municipal Code to prohibit the use of open flames on public property in order to address the risks to public health and safety associated with accidental fires.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that the Recitals above are true and correct and incorporated herein.

SECTION 2. The City Council finds that Ordinance No. 358 is not subject to the California Environmental Quality Act (CEQA) because the Ordinance is not a CEQA “project” pursuant to State CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects, and here the proposed amendments refine and clarify Municipal Code provisions and correct clerical errors. Further, the City Council finds that State CEQA Guidelines section 15061(b)(3) exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. The Ordinance has no potential to result in physical change to the environment, directly or indirectly, as the Ordinance refines, clarifies, and corrects clerical errors in the Municipal Code and does not propose nor authorize any action that would have the potential to cause a physical change in the environment, directly or indirectly. Further, the Ordinance has no potential to result in physical change to the environment, directly or indirectly, as the Ordinance merely (1) prohibits the kindling and maintenance of open flames and fires on public property and (2) regulates and/or prohibits the use of electric bicycles and similar recreational devices. The City Council directs staff to file a notice of exemption within five days of the adoption of this Ordinance.

SECTION 3. Based on the entire record before the City Council, and all written and oral evidence presented, the City Council hereby finds that this Ordinance’s amendments and additions to the Municipal Code are consistent with the City’s adopted General Plan. Specifically, Circulation Element Goals M5 and M6 encourage the City to support and promote safe bicycle usage throughout the City. The purpose of the proposed Municipal Code Amendments is to make certain clean-up amendments, refinements, and corrections of clerical errors and to ensure that the Municipal Code is consistent and clear. Therefore, the Municipal Code Amendment is consistent with the General Plan. It is further the purpose of this Ordinance to add certain new chapters and sections to the Municipal Code related to the regulation and/or prohibition of electric bicycles and other similar recreational transportation devices, as well as to prohibit the kindling and maintenance of open flames and fires on public property. Based on the entire

record before the City Council, and all written and oral evidence presented, the City Council hereby finds that this Ordinance's amendments and additions to the Municipal Code are consistent with the City's adopted General Plan. Specifically, Circulation Element Goals M5 and M6 encourage the City to support and promote safe bicycle usage throughout the City. Therefore, the Municipal Code Amendment is further consistent with the General Plan.

SECTION 4. The use of ellipses (...) in those sections of the Municipal Code proposed to be amended indicate the City's intent not to amend those portions of those sections so omitted.

SECTION 5. Attached as Exhibit "A" to this Ordinance are the zoning code amendments provided herein displayed by Municipal Code section in underline (for additions) and ~~strike through~~ (for deletions) format.

SECTION 6. Section 2.04.041 of Title 2 of the Lake Forest Municipal Code is hereby amended as set forth below:

"Section 2.04.041 Approved minutes as official record of proceedings.

A. Approval of Minutes. Unless the reading of the minutes of a City Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each member with a copy thereof. Minutes shall be approved by voice or roll call vote.

B. Designated as Official Record. The approved written minutes constitute the official record of City Council proceedings and actions and are superior to any other record, recordation, document, transcript, audiotape, videotape or other memorial or writing of said proceedings and actions. Any other recordings, tapes and records of Council proceedings which may be deemed duplicate records shall be kept only as required by Government Code Section 34090.7 as it presently exists and as it may from time to time be amended. The City Council authorizes the City Clerk to store and destroy said duplicate records in accordance with said section of the Government Code.

C. Video Recording Retention. Whenever a video recording of City Council proceedings is made by the City Clerk to assist in the preparation of the minutes, said recording shall not be destroyed except as otherwise authorized by law.

D. Subsections A through C of this section shall apply to the minutes of the meetings of any City board, commission, committee, task force, or agency after the board, commission, committee, task force, or agency and the City

Council have approved the same. The City Clerk, and every board, commission, committee, task force, or agency secretary or clerk shall retain any video recording made of the proceedings to assist in the preparation of the minutes and such recording shall not be destroyed except in accordance with law.

E. The provisions of this section shall apply to all minutes which have been approved by the body conducting the meeting and by the City Council.”

SECTION 7. Section 12.16.070 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.16.070 Oversized vehicle parking regulations.

...

B. The prohibitions contained in this section shall not apply to: (1) vehicles making pickups or deliveries of goods, wares, services, or merchandise to or from any building or structure immediately adjacent to the property on which such building or structure is situated; (2) any ambulance, paramedic, or public safety vehicle involved in an emergency; (3) any vehicle being repaired under emergency conditions, as defined in subsection (C); (4) any vehicle belonging to Federal, State, or local authorities while conducting official business; (5) recreational vehicles, as defined by this Code, excluding recreational vehicles that are being used for commercial purposes as defined in subsection (C)(1), parked in a residential area as defined in subsection (C) for a maximum of seventy-two (72) hours; and (6) vehicles temporarily parked for the purpose of, and while actually engaged in, loading or unloading persons or property.

...

2. “Residential area” shall have the same meaning as “residence district” streets, as defined in California Vehicle Code Section 515.”

SECTION 8. Section 13.02.018 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.02.018 City-sponsored uses.

Any use of recreational facilities scheduled for City-sponsored or co-sponsored uses shall be deemed a use for City purposes, and shall be exempt from fees, deposits, and permit requirements listed herein. This

exemption shall not apply to vendors present at City-sponsored or co-sponsored events occurring at or on City recreational facilities.”

SECTION 9. Section 13.02.020 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.02.020 User groups.

...

Group I: Recreation activities sponsored or conducted by the City of Lake Forest. Examples: City-conducted or cosponsored citywide community events, leagues, or tournaments.

Group II: Recreation activities sponsored or conducted by the Saddleback Valley Unified School District, and non-profit youth sports leagues open to the public with an “everyone plays” philosophy and a minimum of ninety (90) percent of participants being Lake Forest residents. In the case of overlapping requests from Group II user groups for the use of facilities, priority will be given to the one with the highest percentage of Lake Forest residents participating. Examples: Lake Forest AYSO soccer, Lake Forest area Little Leagues, Saddleback Pony/Bronco Leagues, Lake Forest NJB basketball, Lake Forest-based girls softball leagues.”

SECTION 10. Section 13.02.032 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.02.032 Fee payments.

The fees applicable to the use of a facility are due and payable prior to the use of that facility. Charges assessed for actual costs are due and payable upon demand to the user. When fees are due and payable at the time a permit is issued, refunds are permitted if sufficient notice is given to City upon cancellation, as outlined in the facility use administrative policies.”

SECTION 11. Section 13.02.034 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.02.034 Sales and uses.

Authorized user groups which desire to use facilities for fundraising purposes shall be allowed to do so subject to the fee requirements adopted by the City Council and the City's administrative policies.”

SECTION 12. Section 13.03.030 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.03.030 Use of alcoholic beverages in recreational facilities.

Alcoholic beverages may be dispensed and consumed in the Community Center, Senior Center, Performing Arts Center, and other recreational facilities and recreational areas within the Community Services Director’s discretion and as approved as part of the facility use application when these facilities are being used for private parties. Alcoholic beverages may also be sold and consumed in these facilities for commercial uses and organizational fund-raising activities pursuant to an alcoholic beverage permit obtained through the California Department of Alcoholic Beverage Control. The facilities where alcoholic beverages may be dispensed pursuant to an alcoholic beverage permit shall be maintained in an administrative policy that implements the provisions of this chapter.”

SECTION 13. Section 13.03.040(A) of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.03.040 Alcohol permit and fees.

A. Prior to an event at which alcoholic beverages will be served, as permitted in this chapter, the applicant shall obtain approval from the City to do so. Questions related to serving or sales of alcohol shall be included in the facility use application as provided by the Community Services Department. The applicant shall also pay a fee in addition to any building rental fee to serve or sell alcohol. Such fee shall be determined pursuant to the Master Fee Schedule adopted by resolution of the City Council. The applicant shall also obtain any permit or license required by the California Department of Alcoholic Beverage Control prior to dispensing or consuming alcohol at any recreational facility or recreational area as permitted in this chapter.”

SECTION 14. Section 13.05.040(D) of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.05.040 Entry passes, hours of operation, designated skate area.

...

D. The Director shall develop a policy to govern suspension or revocation

of entry passes for skaters, skateboarders, bikers, and other skatepark users who fail to comply with the regulations set forth in Section 13.05.030.”

SECTION 15. Section 13.28.040(B)(2) of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.28.040 Civic Center regulations.

...

2. Repairing or Cleaning Vehicles. No person shall clean, wash, polish, repair, or in any manner service any vehicle at the Civic Center. For the purposes of this subsection (B)(2), the term “repair” includes replacing old, worn-out parts of the vehicle with new parts, and the term “service” includes the draining of oil, gasoline, transmission fluid, brake fluid, radiator fluid, or other fluid for the purposes of replacing the same with a new supply. This subsection (B)(2) does not apply to City vehicles or City-hired vendors as permitted by the City Manager or designee, or to the changing of deflated tires or the performance of necessary emergency work on a disabled vehicle for the purposes of immediately moving the disabled vehicle off of Civic Center property, such as to a vehicle repair shop.”

SECTION 16. Chapter 13.22 is hereby added to Title 13 of the Lake Forest Municipal Code, to read in its entirety as follows:

“Chapter 13.22 Open Flames on Public Property Prohibited

Section 13.22.010 Open flames on public property prohibited.

A. Except as otherwise provided in subsections (B) and (C), no person shall kindle, build, light, or maintain, or authorize to be kindled, built, lit, or maintained, a fire in the public right-of-way or upon any property owned or operated by the City.

B. Exception; Permit. The City’s Building Official, upon consultation with the Orange County Fire Authority, may issue permits authorizing fires otherwise prohibited by subsection (A) above. Notwithstanding the foregoing, the Building Official may designate the Orange County Fire Authority as the entity responsible for issuing said permits.

C. Exception; Designated Areas Subject to Site Reservation System. Open flames for purposes of cooking and warming edible food are permitted at certain designated areas in City parks pursuant to park site reservations and other regulations established by the City Manager or his/her designee.

D. Any fire authorized by subsections (B) or (C) shall be subject to, and comply with, all of the following:

1. All conditions of approval imposed on the permit. Said conditions shall include, but are not limited to, a requirement that the permittee comply with all applicable laws, rules, and regulations governing air pollution.
2. The California Fire Code, as adopted and amended by City ordinance.
3. The use of flammable or combustible liquids (except for approved charcoal lighter fluid) is strictly prohibited.
4. The fire must be attended by one or more responsible persons 21 years of age or older at all times until extinguished.
5. A portable fire extinguisher or other approved equipment or method of extinguishing the fire shall be available for immediate use.
6. The fire, including all embers and coals, must be fully extinguished before vacating the area.

D. It is unlawful and a misdemeanor, subject to punishment in accordance with Section 1.01.200 et seq., of this Code, for any person to violate any provision of this chapter. The City Attorney, at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) found to be in violation of the provisions of this chapter, as provided by law. Violations of this chapter may also be enforced through administrative action. The amount of administrative fines associated with violations of this chapter shall be established by OCTAP and adopted by separate resolution of the City Council.”

SECTION 17. Section 12.04.030 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.04.030 Definitions.

...

R. “Electric bicycle” means an electric bicycle equipped with both fully operable pedals and an electric motor, as further defined by Vehicle Code section 312.5, as it may be amended from time to time.

S. “Electrically motorized board” means any wheeled device that has a floorboard designed to be stood upon when riding, is designed to transport

only one person, and has an electric propulsion system, as further defined by Vehicle Code section 313.5, as it may be amended from time to time.

T. “Electric personal assistive mobility device” means a self-balancing, nontandem two-wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system, as further defined by Vehicle Code section 313, as it may be amended from time to time.

U. “Motorized scooter” means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor, as further defined by Vehicle Code section 407.5, as it may be amended from time to time.”

SECTION 18. Section 12.24.010 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.24.010 Bicycle operation.

A. Direction of Travel. Persons riding or operating a bicycle or electric bicycle on a bicycle trail or path may proceed in either direction except on those trails or paths designated for one (1) way traffic by appropriate markings or signs defined by the direction of adjacent vehicular traffic.

B. Walking Bicycles. Bicycles and electric bicycles may be walked subject to all provisions of law applicable to pedestrians.

C. Unsafe Operation. In any event, no person shall operate a bicycle or an electric bicycle in any manner that endangers any person or animal or at a speed that is greater than is reasonable and prudent, having due regard for other users and the surface, width, and grade of the road or trail, and in no event in excess of 10 miles per hour, unless a different speed is posted. The operation of bicycles and electric bicycles on sidewalks is subject to additional requirements and prohibitions set forth in Section 12.24.020 of this Code.

D. Parking. No person shall leave a bicycle or electric bicycle lying on its side on or in a road or trail in such a way as to obstruct pedestrian, equestrian, bicycle, or other vehicular traffic.

E. Helmets. No person under 18 years of age shall ride or operate, whether or not as a passenger, a bicycle or an electric bicycle on any road, bikeway, sidewalk, or trail unless that person is wearing a properly fitted and fastened bicycle helmet. The bicycle helmet must meet the standards set forth in California Vehicle Code Section 21212.”

SECTION 19. Section 12.24.020 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.24.020 Recreational transportation on sidewalks.

A. Riding on Sidewalks. Bicycles, electric bicycles, roller skates, roller blades, nonmotorized and motorized scooters, nonmotorized skateboards, electrically motorized boards, and other similar forms of transportation may be ridden on all sidewalks in the City of Lake Forest at a speed not to exceed five (5) miles per hour except upon sidewalks within a business district, upon sidewalks adjacent to any public school building when school is in session, recreation center when in use, church during services, or over any pedestrian overcrossing. At all times, all such modes of transportation shall be operated at a speed that is reasonable and prudent, having due regard for weather, visibility, pedestrian, equestrian, bicycle, and other vehicular traffic, and the surface and width of the sidewalk, and in no event at a speed or in a manner that endangers the safety of any person or property. No person shall leave a bicycle, electric bicycle, roller skate, roller blade, scooter, skateboard, electrically motorized board, electric personal assistive mobility device, or other similar nonmotorized or motorized form of transportation lying on or in a sidewalk in such a way as to obstruct pedestrian, equestrian, bicycle, or other vehicular traffic.

B. Director to Designate Prohibitions. Notwithstanding subsection (A) of this section, the Director, or his or her designee, may designate and declare certain portions of sidewalks and public property where the riding or operation of bicycles, electric bicycles, roller skates, roller blades, nonmotorized and motorized scooters, nonmotorized skateboards, electrically motorized boards, electric personal assistive mobility devices, and other similar nonmotorized and motorized forms of transportation are prohibited. The Director is authorized to erect and maintain signs adjacent to sidewalks designating limits of bicycle prohibitions.

C. Yielding Right-of-Way. Whenever any person is riding a bicycle, electric bicycle, roller skates, roller blades, a nonmotorized or motorized scooter, a nonmotorized skateboard, electrically motorized boards, electric personal assistive mobility devices, or other similar nonmotorized or motorized form of transportation, such person shall yield right-of-way to any and all pedestrians. A person riding or operating any such form of transportation shall further yield to all traffic upon entering a roadway or driveway.

D. No Effect on ADA Power-Driven Mobility Devices. Notwithstanding anything to the contrary, wheelchairs and other power-driven mobility devices used as a mobility aid by a person with a disability may be ridden or operated on all sidewalks in the City at the speed of pedestrian traffic and in a manner which is safe for the user and other pedestrians.

SECTION 20. Section 12.24.030 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.24.030 Skateboards, roller skates, etc.

A. No person shall ride a skateboard, scooter, roller skates, or other similar vehicle, other than a bicycle, or cause or permit the same to roll or coast within, the right-of-way of any street or highway in the City of Lake Forest.

B. The provisions of subsection (A) shall not apply to cul-de-sacs where the length of the cul-de-sac is five hundred (500) feet or less.

C. Unsafe Operation. In any event, no person shall ride or operate a skateboard, scooter, roller skates, or other similar vehicle in any manner that endangers any person or animal or at a speed that is greater than is reasonable and prudent, having due regard for other users and the surface, width, and grade of the road or trail, and in no event in excess of 10 miles per hour, unless a different speed is posted. The operation of such modes of transportation on sidewalks is subject to additional requirements and prohibitions set forth in Section 12.24.020 of this Code.

D. Parking. No person shall leave a skateboard, scooter, roller skates, or other similar vehicle on or in a road or trail in such a way as to obstruct pedestrian, equestrian, equestrian, bicycle, or other vehicular traffic.

E. Helmets. No person under 18 years of age shall operate or ride, whether as a passenger or not, a skateboard, scooter, roller skates, or other similar vehicle on any road, bikeway, sidewalk, or trail unless that person is wearing a properly fitted and fastened bicycle helmet. The bicycle helmet must meet the standards set forth in California Vehicle Code Section 21212.”

SECTION 21. Section 13.04.010 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.04.010 Definitions.

The following words shall have the meaning indicated when used in these regulations:

“Amplified sound” means music, sound wave, vibration, or speech projected or transmitted by electronic equipment, including amplifiers.

“Council” means the City Council of the City of Lake Forest, or any person authorized by the Council, pursuant to law, to act in its stead.

“Director of Community Services” means the Director of Community Services for the City of Lake Forest. In the event that this position is vacant or eliminated by the City, the Director of Community Services shall be the City Manager or his or her designee. In addition to the regulations provided in Chapter 13.04, this section’s definition for “Director of Community Services” shall apply throughout the Lake Forest Municipal Code.

“Electric bicycle” means an electric bicycle equipped with both fully operable pedals and an electric motor, as further defined by Vehicle Code section 312.5, as it may be amended from time to time.

“Electrically motorized board” means any wheeled device that has a floorboard designed to be stood upon when riding, is designed to transport only one person, and has an electric propulsion system, as further defined by Vehicle Code section 313.5, as it may be amended from time to time.

“Electric personal assistive mobility device” means a self-balancing, nontandem two-wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system, as further defined by Vehicle Code section 313, as it may be amended from time to time.

“Knife or dagger” means any knife, dirk or dagger having a blade of three (3) inches or more in length; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle.

“Motorized scooter” means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor, as further defined by Vehicle Code section 407.5, as it may be amended from time to time.

“Park” means any community park, neighborhood park, or any other recreational facility maintained by the City.

“Vehicle” means any device by which any person or property may be propelled, moved, or drawn.

“Vehicular travel” means travel by a vehicle.

SECTION 22. Section 13.04.014 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.04.014 Operations of vehicles, bicycles, skateboards and rollerskates/blades.

A. Roads for Public Use. The provisions of the California Vehicle Code are applicable in the City parks with respect to any way or place of whatever nature which is publicly maintained and open to the use of the public for purposes of vehicular travel. All violations of said Vehicle Code shall be enforced and prosecuted in accordance with the provisions thereof. No person shall park any vehicle except in designated parking areas, provided that this prohibition shall not apply to vehicles owned by the City while engaged in official business, to vehicles owned by a contractor retained by the City while on performing services on behalf of the City.

B. Nonroadway—Bicycles, Skateboards and Roller-Skating/Blading. No person shall drive or otherwise operate a vehicle in a park on any nonroadway (i.e., any surface other than those maintained and open to the public for purposes of vehicular travel) except upon temporary parking areas as may be designated from time to time by the Council, and further excepting vehicles in the service of the City, animal control vehicles, law enforcement vehicles, and motorized wheelchairs. No person shall, in any park on a nonroadway, recklessly operate a bicycle, electric bicycle, electrically motorized board, nonmotorized or motorized scooter, electric personal assistive mobility device, skateboard, rollerskates, rollerblades, or other similar vehicle, except that skateboarding shall be permitted in areas governed by Chapter 13.05, subject to the rules and restrictions set forth therein. For purposes of this subsection, “recklessly” shall mean in willful or wanton disregard for the safety of persons or property. In all cases, pedestrians shall be afforded the right-of-way.

C. Removal of Vehicles. Vehicles parked in areas not designated for parking, including nonroadway areas, may be removed and stored at the owner’s expense by the City Manager or designee.”

D. Sidewalks, Paths, and Walkways in City parks. For all sidewalks, paths, and walkways in City parks, the limits set forth in Section 12.24.020 apply.

SECTION 23. Section 13.05.010 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.05.010 Definitions.

“Audio equipment” means any radio, compact disc player, tape player, walkman, megaphone, or any other audio device utilized to transmit or amplify sound.

“BMX Bicycle” or “BMX bike” means a BMX (bicycle motocross) type bicycle with adequately covered or padded pegs.

“Bike” means to ride, operate, or use a bicycle.

“City” means the City of Lake Forest.

“Director” means the City of Lake Forest Director of Community Services, or another person designated by the City Manager.

“Electric bicycle” means an electric bicycle equipped with both fully operable pedals and an electric motor, as further defined by Vehicle Code section 312.5, as it may be amended from time to time. A BMX bicycle or BMX “bike” is not an electric bicycle for purposes of this chapter.

“Electrically motorized board” means any wheeled device that has a floorboard designed to be stood upon when riding, is designed to transport only one person, and has an electric propulsion system, as further defined by Vehicle Code section 313.5, as it may be amended from time to time.

“Entry pass” means the permit or license issued by the City to allow skating, skateboarding, and biking at the Park.

“Helmet,” for purposes of this chapter, means a safety helmet that meets the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards), the Snell Memorial Foundation Standard for Protective Headgear for use in bicycling, or the American Society for Testing Materials (ASTM F-1447 standard).

“In-line skates” means in-line skates also known as rollerblades, which are footwear containing four (4) or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

“Park,” for purposes of this chapter, means the Etnies Skatepark of Lake Forest located on Lake Forest Drive, Lake Forest, California, and it includes the skate area at the Park as well as the buildings, grounds, parking lot(s), spectator area(s) and facility areas encompassed within the entire facility.

“Scooter” means manually propelled, two (2) wheeled scooters.

“Skate” or “skateboard” means to ride, operate or use skates or a skateboard.

“Skate area” means the area of the Park specifically designated pursuant to this chapter for skating, skateboarding and biking.

“Skateboard” means a board of any material, which has wheels attached to it and which is propelled or moved by human, gravitational power, and to which there is not fixed any device or mechanism to turn or control the wheels.

“Skates” means any footwear, or device which may be attached to the footwear, to which wheels are attached and such wheels may be used to aid the wearer in moving or propulsion. “Skates” includes rollerskates, in-line skates, and rollerblades.

SECTION 24. Section 13.05.030 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.05.030 Skatepark regulations.

To ensure the enjoyment, safety and proper use of the Park, all persons using the Park, including all persons skating, skateboarding, or biking at the Park, shall comply with each and every one (1) of the following regulations:

A. Pursuant to the provisions of this chapter and California Health and Safety Code Section 115800(b), no person shall skate, skateboard, or bike unless that person is wearing a properly fitted and fastened helmet, elbow pads designed for skateboarding, in-line skating and/or biking uses with plastic elbow caps, and knee pads designed for skateboarding, in-line skating, and/or biking uses with plastic knee caps.

B. No person shall skate, skateboard, or bike unless all the required equipment is in good repair at all times during use.

C. No person shall enter or be upon the skate area at any time other than during the posted hours of operation for the Park. No person shall enter or be upon the skate area at any time that the Park is closed or when City staff or designated representatives have closed the skate area.

D. No person shall skate, skateboard, or bike anywhere at the Park except in the skate area.

E. No person shall ride, operate, or utilize in the skate area any device other than skateboards, skates, and non-BMX, non-electric bicycles.

Prohibited devices include, but are not limited to, BMX bikes, electric bicycles, scooters, razors, and all other vehicles.

F. Spectators are not allowed in the skate area. No person shall enter or be upon the skate area unless that person is actively skateboarding, skating, or biking in accordance with these regulations.

G. No person under the age of eight (8) years old shall be permitted to utilize the skate area unless accompanied by an adult.

H. No person shall place any additional piece of equipment, obstacle, apparatus, or other material, including, but not limited to, ramps, jumps, or rails, within the skate area, and no person shall use any such additional piece of equipment, obstacle, apparatus, or other material.

I. No person shall skate, skateboard, or bike when the surface of the skate area is wet or other conditions exist which adversely affect the safety of skateboarders, skaters, or bikers.

J. No person shall use or engage in profanity, reckless or boisterous behavior, including, but not limited to, tandem riding, pushing, horseplay, hazing or bullying, or any other activity which could endanger the safety of persons using the skate area or spectator area.

K. No person shall use, consume, or have within his or her custody or control, food or other beverages, other than water in a plastic container, within the skate area.

L. No person shall use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs at the Park.

M. No person shall enter or be upon the park or skate area under the influence of alcoholic beverages or illegal drugs or with his or her motor skills or judgment impaired as the result of any alcoholic beverage or drugs.

N. No person shall use or possess glass containers, bottles, or other breakable glass products within the Park.

O. No knives, guns, or weapons of any nature shall be permitted in any portion of the Park.

P. No person shall use a portable or personal radio, stereo, compact disc player, tape player, walkman, megaphone, or any other audio equipment utilized to transmit or amplify sound in the skate area. No person shall use headphones in the skate area.

Q. No person shall engage in graffiti, tagging, or other defacing of the Park.

R. All persons using the Park area must place trash in receptacles or containers provided by the City.

S. When determined by City staff that a skater, skateboarder, or biker has violated one (1) or more of the regulations set forth in this section, that person, when so directed by City staff, shall leave the skate area and/or the Park.

T. Except for instructors employed or contracted by the City, no person or group shall provide instruction, coaching, or teaching of skating, skateboarding, or biking in the Park for any fee or compensation. No person shall pay another person at the Park for instruction, coaching, or teaching.

U. The Park may not be used by any camp or other group which has charged tuition or other fees to participants covering the period during which participants are present in the Park with the camp or group.”

SECTION 25. Section 13.05.050 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.05.050 Posting of signs.

The Director shall post signs at the entrance to the skate area and at other locations at the Park which the Director determines are appropriate and adequate. The content of the signs shall be determined by the Director, but the signs shall generally cover the regulations in this chapter and have the following information and statements.

1. To skate, skateboard, or bike at the Park, a permit must first be obtained from the City.
2. The hours the Park is open.
3. Skating, skateboarding, and biking are only allowed when the Park is open.
4. Helmets, knee pads, and elbow pads are required to be worn at all times in the skate area and while skating, skateboarding, or biking.
5. The failure to wear helmets, knee pads, and elbow pads will subject violators to citation and prosecution under the Lake

Forest Municipal Code.

6. Skateboarding, skating, and biking are hazardous recreation activities. Skaters, skateboarders, and bikers skate/bike at their own risk of being injured. The City will not be liable for injuries.
7. Only skateboards, skates, non-BMX bicycles, and non-electric bicycles can be used in the skate area.
8. Scooters, razors, electric bicycles, electrically motorized boards, or motorized vehicles are prohibited in the skate area.
9. No person under the age of eight (8) years old shall be permitted to use the skate area unless accompanied by an adult.
10. No skateboarding, skating, or biking on wet surfaces.
11. Spectators are not permitted in the skate area.
12. No portable or personal radio, stereo, CD player, or similar device, or headphones are permitted in the skate area.
13. No unauthorized pieces of equipment, obstacles or apparatus may be brought into the skate area.
14. Skating, skateboarding, or biking outside of the skate area is prohibited.
15. Graffiti, tagging, and defacing the Park are prohibited.
16. Possession of glass containers at the Park is prohibited.
17. Tobacco, alcohol, and drug use are prohibited at the Park.
18. Skating, skateboarding, or biking while under the influence of alcohol or illegal drugs is prohibited.
19. Trash must be deposited in the trash receptacles.
20. Persons violating the regulations will be removed from the Park and may be prohibited from skating, skateboarding, or biking at the Park in the future.
21. Persons violating the regulations will be subject to citation and prosecution under the Lake Forest Municipal Code.”

SECTION 26. The City Council's actions are made upon review of the Staff Report, all oral and written comments, and the documentary evidence presented on the Ordinance.

SECTION 27. If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is 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 28. The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at Lake Forest City Hall, 100 Civic Center Drive, Lake Forest, California 92630. The City Clerk is the custodian of the record of proceedings.

SECTION 29. 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.

[SIGNATURES ON FOLLOWING PAGE]

INTRODUCED by the City Council of the City of Lake Forest at a regular meeting held on the 1st day of November 2022, and **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Lake Forest at a regular meeting held on the 15th day of November 2022.

ROBERT PEQUEÑO
MAYOR

ATTEST:

LISA BERGLUND, MPA
CITY CLERK

APPROVED AS TO FORM:



MATTHEW E. RICHARDSON
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF LAKE FOREST)

I, Lisa Berglund, City Clerk of the City of Lake Forest, do hereby certify that the foregoing Ordinance No. 358 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 1st day of November 2022, and thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 15th day of November 2022, by the following vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

LISA BERGLUND, MPA
CITY CLERK

EXHIBIT "A"

REDLINE OF LAKE FOREST MUNICIPAL CODE UPDATES

(continued on next page)

Section 2.04.041

Section 2.04.041 of Title 2 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 2.04.041 Approved minutes as official record of proceedings.

A. Approval of Minutes. Unless the reading of the minutes of a City Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each member with a copy thereof. Minutes shall be approved by voice or roll call vote.

B. Designated as Official Record. The approved written minutes constitute the official record of City Council proceedings and actions and are superior to any other record, recordation, document, transcript, audiotape, videotape or other memorial or writing of said proceedings and actions. Any other recordings, tapes and records of Council proceedings which may be deemed duplicate records shall be kept only as required by Government Code Section 34090.7 as it presently exists and as it may from time to time be amended. The City Council authorizes the City Clerk to store and destroy said duplicate records in accordance with said section of the Government Code.

C. ~~Audio Tape~~ Video Recording Retention. Whenever a video recording an ~~audio tape~~ of City Council proceedings is made by the City Clerk to assist in the preparation of the minutes, said recording shall not be destroyed except as otherwise authorized by law ~~tape should only be kept until the minutes for that meeting are prepared and approved by the City Council. Thereafter, any tape so made shall be destroyed in accordance with Government Code Section 34090.7.~~

D. ~~Audio Tape Accessibility to the Public.~~ During the period that an ~~audio tape~~ of a City Council meeting is in the custody of the City Clerk, the City Clerk shall, upon request, ~~make the tape available to interested members of the public during normal business hours.~~

E. Subsections A through C of this section shall apply to the minutes of the meetings of any City board, commission, committee, task force, or agency after the board, commission, committee, task force, or agency and the City Council have approved the same. The City Clerk, and every board, commission, committee, task force, or agency secretary or clerk shall retain any video recording ~~cause any audio tape~~ made of the proceedings to assist in the preparation of the minutes and such recording shall not to be destroyed except in accordance with law ~~Government Code Section 34090.7.~~

E. The provisions of this section shall apply to all minutes and recordings and tapes which have been approved by the body conducting the meeting and by the City Council.”

Section 12.16.070

Section 12.16.070 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.16.070 Oversized vehicle parking regulations.

A. Except as provided in subsection B, no vehicle shall be stopped, parked, or left standing upon any public street or highway if the vehicle: (1) is in excess of twenty-two (22) feet in length; (2) has more than two (2) axles; (3) is a commercial vehicle, as defined by subsection C, greater than seven (7) feet in height; (4) has a weight in excess of ten thousand (10,000) pounds; (5) has a width in excess of ninety (90) inches as measured at the widest portion of the body, not including mirrors or other extensions; (6) is a trailer, semi-trailer, or trailer coach as defined in the Vehicle Code or similar vehicles; or (7) is an item of farm machinery or special-purpose machine.

B. The prohibitions contained in this section shall not apply to: (1) vehicles making pickups or deliveries of goods, wares, services, or merchandise to or from any building or structure immediately adjacent to the property on which such building or structure is situated; (2) any ambulance, paramedic, or public safety vehicle involved in an emergency; (3) any vehicle being repaired under emergency conditions, as defined in subsection (C); (4) any vehicle belonging to Federal, State, or local authorities while conducting official business; (5) recreational vehicles, as defined by this Code, excluding recreational vehicles that are being used for commercial purposes as defined in subsection (C)(1), parked in a residential area as defined in subsection (C), for a maximum of seventy-two (72) hours; and (6) vehicles temporarily parked for the purpose of, and while actually engaged in, loading or unloading persons or property.

C. For purposes of this section:

1. “Commercial vehicle” shall have the same meaning as defined in Section 260 of the California Vehicle Code. Pick-up trucks, as defined by California Vehicle Code section 471, shall not be considered “commercial vehicles” unless: (a) goods, wares, or property of a commercial nature loaded thereon extends above the manufacturer’s box; (b) the standard bed of the vehicle has been replaced with a utility or stake bed over eighty (80) inches in width; or (c) the vehicle has been

modified to include a rack extending over the length of the vehicle's bed and currently has goods or wares of a commercial nature stored thereon.

2. "Residential area" shall have the same meaning as ~~include the following: (a) areas zoned for residential use pursuant to Title 9 of this Code and all adopted planned community texts; and (b) "residence district" streets,~~ as defined in California Vehicle Code Section 515.

3. "Emergency conditions" shall mean the need for sudden and unexpected repairs occurring during transport of the vehicle."

Section 13.02.018

Section 13.02.018 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

"Section 13.02.018 City-sponsored uses.

Any use of recreational facilities scheduled for City-sponsored or co-sponsored uses shall be deemed a use for City purposes, and shall be exempt from fees, deposits, and permit requirements listed herein. ~~Such determination shall be made by the City Council.~~ This exemption shall not apply to vendors present at City-sponsored or co-sponsored events occurring at or on City recreational facilities."

Section 13.02.020

Section 13.02.020 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

"Section 13.02.020 User groups.

User groups are established and defined as follows; the examples given do not represent a complete list of the types of activities that may fit within each category:

Group I: Recreation activities sponsored or conducted by the City of Lake Forest ~~or the Saddleback Valley Unified School District.~~ Examples: City conducted or cosponsored citywide community events, leagues, or tournaments.

Group II: Recreation activities sponsored or conducted by the Saddleback Valley Unified School District, and Non-profit youth sports leagues open to the public with

an “everyone plays” philosophy and a minimum of ninety (90) percent of participants being Lake Forest residents. In case of overlapping requests from Group II user groups for the use of facilities, priority will be given to the one with the highest percentage of Lake Forest residents participating. Examples: Lake Forest AYSO soccer, Lake Forest area Little Leagues, Saddleback Pony/Bronco Leagues, Lake Forest NJB basketball, Lake Forest-based girls softball leagues.

Group III: Non-profit youth sports leagues or “travel ball” teams and a minimum of eighty (80) percent of participants being Lake Forest residents. Examples: Youth travel baseball, softball, soccer, football teams.

Group IV: Non-profit youth sports leagues or teams and a minimum of seventy (70) percent of participants being Lake Forest residents. Examples: Youth travel baseball, softball, soccer, football teams.

Group V: Non-profit adult or youth sports groups conducting community oriented sports activities with a minimum of sixty (60) percent of participants being Lake Forest residents. Examples: Adult soccer, softball, youth club teams, private parties.

Group VI: Non-profit organizations or groups, not open to the public, with less than sixty (60) percent of participants being Lake Forest residents. Examples: Adult or youth club teams, private parties, local churches, local homeowners’ associations.

Group VII: Commercial entities or organizations located in Lake Forest. Example: Local businesses.

Group VIII: Commercial entities or organizations not located in Lake Forest. Examples: Business not located in Lake Forest, film shoots, parties, events).”

Section 13.02.032

Section 13.02.032 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.02.032 Fee payments.

The fees applicable to the use of a facility are due and payable prior to the use of that facility. Charges assessed for actual costs are due and payable upon demand to the user. When fees are due and payable at the time a permit is issued, refunds are permitted if sufficient notice is given to City upon cancellation, as outlined in

the facility use administrative policies ~~i.e., seven (7) business days' notice for nonrecurring groups.~~"

Section 13.02.034

Section 13.02.034 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

"Section 13.02.034 Sales and uses.

Authorized user groups which desire to use facilities for fundraising purposes shall be allowed to do so subject to ~~the policies and fee requirements adopted by the City Council and the City's administrative policies.~~ Proposed uses which are determined by the City to be solely a commercial undertaking, and without educational, recreational, or cultural benefit to the community, shall be allowed only upon approval of the City Council."

Section 13.03.030

Section 13.03.030 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

"Section 13.03.030 Use of alcoholic beverages in recreational facilities.

Alcoholic beverages may be dispensed and consumed in the Community Center, Senior Center, Performing Arts Center, and other recreational facilities and recreational areas within the Community Services Director's discretion and as approved as part of the facility use application pursuant to an alcoholic beverage permit when these facilities are being used for private parties ~~such as weddings, anniversaries, theater performances, and similar uses.~~ Alcoholic beverages may also be sold and consumed in these facilities for commercial uses and organizational fund-raising activities ~~of nonprofit organizations, church functions, political fundraising dinners, and parties and other similar noncommercial uses pursuant to an alcoholic beverage permit~~ obtained through the California Department of Alcoholic Beverage Control. The facilities where alcoholic beverages may be dispensed pursuant to an alcoholic beverage permit shall be maintained in an administrative policy that implements the provisions of this chapter."

Section 13.03.040

Section 13.03.040 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.03.040 Alcohol permit and fees.

A. Prior to an event at which alcoholic beverages will be served ~~used~~, as permitted in this chapter, the applicant shall obtain approval from the City to do so ~~an alcoholic beverage permit from the Community Services Director or his or her designee. Questions related to serving or sales of alcohol shall be included in the facility use application~~ The application shall be on a form as provided by the Community Services Department. The applicant shall also pay a fee in addition to any building rental fee to serve or sell alcohol ~~apply for an alcoholic beverage permit~~. Such fee shall be determined pursuant to the Master Fee Schedule ~~an alcoholic beverage permit fee schedule~~ adopted by resolution of the City Council. The applicant shall also obtain any permit or license required by the California Department of Alcoholic Beverage Control Board ~~Board~~ prior to dispensing or consuming alcohol at any recreational facility or recreational area as permitted in this chapter.

B. The Community Services Director shall have the discretion to approve or deny an application for an alcoholic beverage permit, based on cause, and shall also have the discretion to impose conditions of approval upon the alcoholic beverage permit. The Community Services Director may deny an alcoholic beverage permit based on any of the following, without limitation:

1. The applicant is not at least twenty-one (21) years of age;
2. The application contains materially false or intentionally misleading information;
3. The applicant has previously violated conditions of an alcoholic beverage permit or any administrative rule, policy, or regulation that implements the provisions of this chapter;
4. The applicant cannot meet all of the City’s administrative rules, policies, or regulations that implements the provisions of this chapter or cannot otherwise comply with any applicable Federal, State, or local law; or
5. Approval of the permit would have a substantial adverse impact on the health, safety, or welfare of the general public.

C. Any decision by the Community Services Director relating to an alcoholic beverage permit may be appealed to the City Manager within seven (7) days of the Director's decision by filing with the City Clerk a written appeal setting forth the grounds for the appeal, along with payment of the City's appeal fee, which shall be established by City Council resolution. Within fourteen (14) days of receiving a complete appeal application and proof of applicant's payment of the appeal fee, the City Manager shall render a written decision on the appeal, which shall be delivered to the applicant within seven (7) days of the City Manager's decision. The City Manager's decision shall be final."

Section 13.05.040

Section 13.05.040 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

"Section 13.05.040 Entry passes, hours of operation, designated skate area.

A. The Director or designated representative is hereby authorized to establish hours of operation for the Park and is authorized to and shall establish procedures for the issuance, suspension, and revocation of entry passes to skate, skateboard, or bike at the Park. That process shall include, at a minimum, the following:

1. Persons desiring to skate, skateboard, or bike at the Park obtaining a permit, which allows for such skating, skateboarding, and biking.
2. Persons desiring to skate, skateboard, or bike at the Park paying the fees that have been adopted by the City Council.
3. Persons desiring to skate, skateboard or bike at the Park, and where applicable their parents or guardians, being required to complete and sign a liability waiver and release, in the form acceptable to the City Attorney, waiving and releasing the City from any claims that may arise out of injuries suffered while skating, skateboarding or biking at the Park.
4. Skaters, skateboarders and bikers, before receiving the required permit, being required to review and sign a statement that they have read and understand the regulations contained in this chapter and that they will comply with all those regulations.

B. The Director shall designate and demarcate the skate area which will be the area of the Park used for skating, skateboarding and biking.

C. The hours of operation for the Park, including separate designated times for skating, skateboarding and biking, shall be established by the Director.

D. The Director shall develop a policy to govern suspension or revocation of entry passes for skaters, skateboarders, and bikers, and other skatepark users who fail to comply with the regulations set forth in Section 13.05.030. ~~The policy may provide for a suspension for a period of up to one (1) year for a violator who has previously been issued a written warning. The policy shall require City staff to provide a written notice explaining the violation and cause of the suspension to any person whose entry pass is suspended for more than one (1) week. The policy shall further provide that individuals whose passes are suspended shall have ten (10) days from the date of the revocation and/or ban to request an appeal hearing with the Director. The appeal request shall be in writing and submitted to the Director. Within twenty (20) days of receiving the appeal request the Director shall provide the appeal hearing. The Director shall have the right to reinstate the entry pass and remove the ban, uphold the entry pass revocation and ban, or take any other action deemed appropriate. The holder of a suspended entry pass may appeal the decision of the Director using the procedures in Chapter 1.12 of this Code.~~

Section 13.28.040

Section 13.28.040 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below, with subsequent, unmodified sections omitted for brevity:

“Section 13.28.040 Civic Center regulations.

A. Duty to Comply. No person shall enter, be or remain at the Civic Center unless he or she complies at all times with all of the posted City regulations applicable to the Civic Center and with all other applicable laws, ordinances, rules and regulations. Any person who violates any posted City regulation applicable to the Civic Center may be subject to administrative, criminal, and/or civil remedies.

B. Operation of Vehicles, Bicycles, Skateboards, and Roller-Skates/Blades.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable at the Civic Center with respect to any way or place of whatever nature which is publicly maintained and open to the use of the public for purposes of vehicular travel. All Vehicle Code violations shall be enforced and prosecuted in accordance with the provisions thereof. No person shall park any vehicle except in designated parking areas, provided that this prohibition shall not apply to vehicles

owned by the City while engaged in official City business or to vehicles owned by a contractor retained by the City while performing services on behalf of the City.

2. Repairing or Cleaning Vehicles. No person shall clean, wash, polish, repair, or in any manner service any vehicle at the Civic Center. For the purposes of this subsection (B)(2), the term “repair” includes replacing old worn-out parts of the vehicle with new parts, and the term “service” includes the draining of oil, gasoline, transmission fluid, brake fluid, radiator fluid, or other fluid for the purposes of replacing the same with a new supply. This subsection (B)(2) does not apply to City vehicles or City-hired vendors as permitted by the City Manager or designee, or to the changing of deflated tires or the performance of necessary emergency work on a disabled vehicle for the purposes of immediately moving the disabled vehicle off of Civic Center property, such as to a vehicle repair shop.

....”

Chapter 13.22

Chapter 13.22 of Title 13 of the Lake Forest Municipal Code is hereby added in its entirety as set forth below:

“Chapter 13.22 Open Flames on Public Property Prohibited

Section 13.22.010 Open flames on public property prohibited.

A. Except as otherwise provided in subsections (B) and (C), no person shall kindle, build, light, or maintain, or authorize to be kindled, built, lit, or maintained, a fire in the public right-of-way or upon any property owned or operated by the City.

B. Exception; Permit. The City’s Building Official, upon consultation with the Orange County Fire Authority, may issue permits authorizing fires otherwise prohibited by subsection (A) above. Notwithstanding the foregoing, the Building Official may designate the Orange County Fire Authority as the entity responsible for issuing said permits.

C. Exception; Designated Areas Subject to Site Reservation System. Open flames for purposes of cooking and warming edible food are permitted at certain designated areas in City parks pursuant to park site reservations and other regulations established by the City Manager or his/her designee.

D. Any fire authorized by subsections (B) or (C) shall be subject to, and comply with, all of the following:

1. All conditions of approval imposed on the permit. Said conditions shall include, but are not limited to, a requirement that the permittee comply with all applicable laws, rules, and regulations governing air pollution.

2. The California Fire Code, as adopted and amended by City ordinance.

3. The use of flammable or combustible liquids (except for approved charcoal lighter fluid) is strictly prohibited.

4. The fire must be attended by one or more responsible persons 21 years of age or older at all times until extinguished.

5. A portable fire extinguisher or other approved equipment or method of extinguishing the fire shall be available for immediate use.

6. The fire, including all embers and coals, must be fully extinguished before vacating the area.

D. Any violation of this section shall constitute a misdemeanor. However, at the discretion of the City Attorney, the violation of any provisions of this section may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction.”

Section 12.04.030

Section 12.04.030 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.04.030 Definitions.

...

R. “Electric bicycle” means an electric bicycle equipped with both fully operable pedals and an electric motor, as further defined by Vehicle Code section 312.5, as it may be amended from time to time.

S. “Electrically motorized board” means any wheeled device that has a floorboard designed to be stood upon when riding, is designed to transport only one person, and has an electric propulsion system, as further defined by Vehicle Code section 313.5, as it may be amended from time to time.

T. “Electric personal assistive mobility device” means a self-balancing, nontandem two-wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system, as further defined by Vehicle Code section 313, as it may be amended from time to time.

U. “Motorized scooter” means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor, as further defined by Vehicle Code section 407.5, as it may be amended from time to time.”

Section 12.24.010

Section 12.24.010 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.24.010 Bicycle operation.

A. Direction of Travel. Persons riding or operating a bicycle or electric bicycle on a bicycle trail or path may proceed in either direction except on those trails or paths designated for one (1) way traffic by appropriate markings or signs defined by the direction of adjacent vehicular traffic.

B. Walking Bicycles. Bicycles and electric bicycles may be walked subject to all provisions of law applicable to pedestrians.

C. Unsafe Operation. In any event, no person shall operate a bicycle or an electric bicycle in any manner that endangers any person or animal or at a speed that is greater than is reasonable and prudent, having due regard for other users and the surface, width, and grade of the road or trail, and in no event in excess of 10 miles per hour, unless a different speed is posted. The operation of bicycles and electric bicycles on sidewalks is subject to additional requirements and prohibitions set forth in Section 12.24.020 of this Code.

D. Parking. No person shall leave a bicycle or electric bicycle lying on its side on or in a road or trail in such a way as to obstruct pedestrian, equestrian, or vehicular traffic.”

Section 12.24.020

Section 12.24.020 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.24.020 Bicycles Recreational transportation on sidewalks.

A. Riding on Sidewalks. Bicycles, electric bicycles, roller skates, roller blades, nonmotorized and motorized scooters, nonmotorized skateboards, electrically motorized boards, and other similar forms of transportation may be ridden on all sidewalks in the City of Lake Forest at a speed not to exceed five (5) miles per hour except upon sidewalks within a business district, upon sidewalks adjacent to any public school building when school is in session, recreation center when in use, church during services, or over any pedestrian overcrossing or other sidewalk where prohibited by posted signs. At all times, all such modes of transportation shall be operated at a speed that is reasonable and prudent, having due regard for weather, visibility, pedestrian and vehicular traffic, and the surface and width of the sidewalk, and in no event at a speed or in a manner that endangers the safety of any person or property. No person shall leave a bicycle, electric bicycle, roller skate, roller blade, scooter, skateboard, electrically motorized board, electric personal assistive mobility device, or other similar nonmotorized or motorized form of transportation lying on or in a sidewalk in such a way as to obstruct pedestrian or vehicular traffic.

B. Director to Designate Prohibitions. Notwithstanding subsection (A) of this section, the The Director, or his or her designee, may designate and declare certain portions of sidewalks and public property to be prohibited to where the riding or operation of bicycles, electric bicycles, roller skates, roller blades, nonmotorized and motorized scooters, nonmotorized skateboards, electrically motorized boards, electric personal assistive mobility devices, and other similar nonmotorized and motorized forms of transportation are prohibited use.

C. Director to Post Prohibitions. The Director, or his or her designee, is authorized to erect and maintain signs adjacent to sidewalks designating limits and of bicycle prohibitions authorized by this chapter.

D. Yielding Right-of-Way. Whenever any person is riding a bicycle, electric bicycle, roller skates, roller blades, a nonmotorized or motorized scooter, a nonmotorized skateboard, electrically motorized boards, electric personal assistive mobility devices, or other similar nonmotorized or motorized form of transportation upon a sidewalk, such person shall yield right-of-way to any and all pedestrians. A person riding or operating any such form of transportation a bicycle upon entering a roadway or driveway from a sidewalk shall further yield to all traffic upon entering a roadway or driveway.

D. No Effect on ADA Power-Driven Mobility Devices. Notwithstanding anything to the contrary, wheelchairs and other power-driven mobility devices used as a mobility aid by a person with a disability may be ridden or operated on all sidewalks in the City at the speed of pedestrian traffic and in a manner which is safe for the user and other pedestrians.”

Section 12.24.030

Section 12.24.030 of Title 12 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 12.24.030 Skateboards, roller skates, etc.

A. No person shall ride a skateboard, scooter, roller skates, or other similar vehicle other than a bicycle, or cause or permit the same to roll or coast within, the right-of-way of any street or highway in the City of Lake Forest.

B. The provisions of subsection (A) shall not apply to cul-de-sacs where the length of the cul-de-sac is five hundred (500) feet or less.

C. Unsafe Operation. In any event, no person shall ride or operate a skateboard, scooter, roller skates, or other similar vehicle in any manner that endangers any person or animal or at a speed that is greater than is reasonable and prudent, having due regard for other users and the surface, width, and grade of the road or trail, and in no event in excess of 10 miles per hour, unless a different speed is posted. The operation of such modes of transportation on sidewalks is subject to additional requirements and prohibitions set forth in Section 12.24.020 of this Code.

D. Parking. No person shall leave a skateboard, scooter, roller skates, or other similar vehicle on or in a road or trail in such a way as to obstruct pedestrian, equestrian, or vehicular traffic.

E. Helmets. No person under 18 years of age shall operate or ride, whether as a passenger or not, a skateboard, scooter, roller skates, or other similar vehicle on any road, bikeway, sidewalk, or trail unless that person is wearing a properly fitted and fastened bicycle helmet. The bicycle helmet must meet the standards set forth in California Vehicle Code Section 21212.”

Section 13.04.010

Section 13.04.010 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.04.010 Definitions.

The following words shall have the meaning indicated when used in these regulations:

“Amplified sound” means music, sound wave, vibration, or speech projected or transmitted by electronic equipment, including amplifiers.

“Council” means the City Council of the City of Lake Forest, or any person authorized by the Council, pursuant to law, to act in its stead.

“Director of Community Services” means the Director of Community Services for the City of Lake Forest. In the event that this position is vacant or eliminated by the City, the Director of Community Services shall be the City Manager or his or her designee. In addition to the regulations provided in Chapter 13.04, this section’s definition for “Director of Community Services” shall apply throughout the Lake Forest Municipal Code.

“Electric bicycle” means an electric bicycle equipped with both fully operable pedals and an electric motor, as further defined by Vehicle Code section 312.5, as it may be amended from time to time.

“Electrically motorized board” means any wheeled device that has a floorboard designed to be stood upon when riding, is designed to transport only one person, and has an electric propulsion system, as further defined by Vehicle Code section 313.5, as it may be amended from time to time.

“Electric personal assistive mobility device” means a self-balancing, nontandem two-wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system, as further defined by Vehicle Code section 313, as it may be amended from time to time.

“Knife or dagger” means any knife, dirk or dagger having a blade of three (3) inches or more in length; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle.

“Motorized scooter” means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor, as further defined by Vehicle Code section 407.5, as it may be amended from time to time.

“Park” means any community park, neighborhood park, or any other recreational

facility maintained by the City.

“Vehicle” means any device by which any person or property may be propelled, moved, or drawn, ~~excepting a device moved by human power.~~

“Vehicular travel” means travel by a vehicle.”

Section 13.04.014

Section 13.04.014 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.04.014 Operations of vehicles, bicycles, skateboards and rollerskates/blades.

A. Roads for Public Use. The provisions of the California Vehicle Code are applicable in the City parks with respect to any way or place of whatever nature which is publicly maintained and open to the use of the public for purposes of vehicular travel. All violations of said Vehicle Code shall be enforced and prosecuted in accordance with the provisions thereof. No person shall park any vehicle except in designated parking areas, provided that this prohibition shall not apply to vehicles owned by the City while engaged in official business, to vehicles owned by a contractor retained by the City while on performing services on behalf of the City.

B. Nonroadway—Bicycles, Skateboards and Roller-Skating/Blading. No person shall drive or otherwise operate a vehicle in a park on any nonroadway, (i.e., any surface other than those maintained and open to the public for purposes of vehicular travel), ~~except upon temporary parking areas as may be designated from time to time by the Council, and further excepting vehicles in the service of the City, animal control vehicles, law enforcement vehicles, and motorized wheelchairs. No person shall, in any park on a nonroadway, recklessly operate a bicycle, electric bicycle, electrically motorized board, nonmotorized or motorized scooter, electric personal assistive mobility device, or skateboard, rollerskates, rollerblades, or other similar vehicle or recklessly rollerskate or rollerblade in any park on a nonroadway,~~ except that skateboarding shall be permitted in areas governed by Chapter 13.05, subject to the rules and restrictions set forth therein. For purposes of this subsection, “recklessly” shall mean in willful or wanton disregard for the safety of persons or property. In all cases pedestrians shall be afforded the right-of-way.

C. Removal of Vehicles. Vehicles parked in areas not designated for parking,

including nonroadway ~~nonroad-way~~ areas, may be removed and stored at the owner's expense by the City Manager or designee."

D. Sidewalks, Paths, and Walkways in City parks. For all sidewalks, paths, and walkways in City parks, the limits set forth in Section 12.24.020 apply.

Section 13.05.010

Section 13.05.010 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

"Section 13.05.010 Definitions.

"Audio equipment" means any radio, compact disc player, tape player, walkman, megaphone, or any other audio device utilized to transmit or amplify sound.

"BMX Bicycle" or "BMX bike" means a BMX (bicycle ~~motocross~~ ~~motorcross~~) type bicycle with adequately covered or padded pegs.

"Bike" means to ride, operate, or use a bicycle.

"City" means the City of Lake Forest.

"Director" means the City of Lake Forest Director of Community Services, or another person designated by the City Manager.

"Electric bicycle" means an electric bicycle equipped with both fully operable pedals and an electric motor, as further defined by Vehicle Code section 312.5, as it may be amended from time to time. A BMX bicycle or BMX "bike" is not an electric bicycle for purposes of this chapter.

"Electrically motorized board" means any wheeled device that has a floorboard designed to be stood upon when riding, is designed to transport only one person, and has an electric propulsion system, as further defined by Vehicle Code section 313.5, as it may be amended from time to time.

"Entry pass" means the permit or license issued by the City to allow skating, skateboarding, and biking at the Park.

"Helmet," for purposes of this chapter, means a safety helmet that meets the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards), the Snell Memorial Foundation Standard for Protective Headgear for use in bicycling, or the American Society for Testing Materials (ASTM

F-1447 standard).

“In-line skates” means in-line skates also known as rollerblades, which are footwear containing four (4) or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

“Park,” for purposes of this chapter, means the Etnies Skatepark of Lake Forest located on Lake Forest Drive, Lake Forest, California, and it includes the skate area at the Park as well as the buildings, grounds, parking lot(s), spectator area(s) and facility areas encompassed within the entire facility.

“Scooter” means manually propelled, two (2) wheeled scooters.

“Skate” or “skateboard” means to ride, operate or use skates or a skateboard.

“Skate area” means the area of the Park specifically designated pursuant to this chapter for skating, skateboarding and biking.

“Skateboard” means a board of any material, which has wheels attached to it and which is propelled or moved by human, gravitational power, and to which there is not fixed any device or mechanism to turn or control the wheels.

“Skates” means any footwear, or device which may be attached to the footwear, to which wheels are attached and such wheels may be used to aid the wearer in moving or propulsion. “Skates” includes rollerskates, in-line skates, and rollerblades.”

Section 13.05.030

Section 13.05.030 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.05.030 Skatepark regulations.

To ensure the enjoyment, safety and proper use of the Park, all persons using the Park, including all persons skating, skateboarding, or biking at the Park, shall comply with each and every one (1) of the following regulations:

A. Pursuant to the provisions of this chapter and California Health and Safety Code Section 115800(b), no person shall skate, skateboard, or bike unless that person is wearing a properly fitted and fastened helmet, elbow pads designed for skateboarding, in-line skating and/or biking uses with plastic elbow caps, and knee

pads designed for skateboarding, in-line skating, and/or biking uses with plastic knee caps.

B. No person shall skate, skateboard, or bike unless all the required equipment is in good repair at all times during use.

C. No person shall enter or be upon the skate area at any time other than during the posted hours of operation for the Park. No person shall enter or be upon the skate area at any time that the Park is closed or when City staff or designated representatives have closed the skate area.

D. No person shall skate, skateboard, or bike anywhere at the Park except in the skate area.

E. No person shall ride, operate, or utilize in the skate area any device other than skateboards, skates, and ~~or~~ non-BMX, non-electric bikes bicycles. Prohibited devices, include, but are not limited to, BMX bikes, electric bicycles, scooters, razors, and all other ~~motorized~~ vehicles.

F. Spectators are not allowed in the skate area. No person shall enter or be upon the skate area unless that person is actively skateboarding, skating, or biking in accordance with these regulations.

G. No person under the age of eight (8) years old shall be permitted to utilize the skate area unless accompanied by an adult.

H. No person shall place any additional piece of equipment, obstacle, apparatus, or other material, including, but not limited to, ramps, jumps, or rails, within the skate area, and no person shall use any such additional piece of equipment, obstacle, apparatus, or other material.

I. No person shall skate, skateboard, or bike when the surface of the skate area is wet or other conditions exist which adversely affect the safety of skateboarders, skaters, or bikers.

J. No person shall use or engage in profanity, reckless or boisterous behavior, including, but not limited to, tandem riding, pushing, horseplay, hazing, or bullying, or any other activity which could endanger the safety of persons using the skate area or spectator area.

K. No person shall use, consume, or have within his or her custody or control, food or other beverages, other than water in a plastic container, within the skate area.

L. No person shall use, consume, or have within his or her custody or control,

alcohol, tobacco products, or illegal drugs at the Park.

M. No person shall enter or be upon the park or skate area under the influence of alcoholic beverages or illegal drugs or with his or her motor skills or judgment impaired as the result of any alcoholic beverage or drugs.

N. No person shall use or possess glass containers, bottles, or other breakable glass products within the Park.

O. No knives, guns, or weapons of any nature shall be permitted in any portion of the Park.

P. No person shall use a portable or personal radio, stereo, compact disc player, tape player, walkman, megaphone, or any other audio equipment utilized to transmit or amplify sound in the skate area. No person shall use headphones in the skate area.

Q. No person shall engage in graffiti, tagging, or other defacing of the Park.

R. All persons using the Park area must place trash in receptacles or containers provided by the City.

S. When determined by City staff that a skater, skateboarder, or biker has violated one (1) or more of the regulations set forth in this section, that person, when so directed by City staff, shall leave the skate area and/or the Park.

T. Except for instructors employed or contracted by the City, no person or group shall provide instruction, coaching, or teaching of skating, skateboarding, or biking in the Park for any fee or compensation. No person shall pay another person at the Park for instruction, coaching, or teaching.

U. The Park may not be used by any camp or other group which has charged tuition or other fees to participants covering the period during which participants are present in the Park with the camp or group.”

Section 13.05.050

Section 13.05.050 of Title 13 of the Lake Forest Municipal Code is hereby amended as set forth below:

“Section 13.05.050 Posting of signs.

The Director shall post signs at the entrance to the skate area and at other locations at the Park which the Director determines are appropriate and adequate. The content of the signs shall be determined by the Director, but the signs shall generally cover the regulations in this chapter and have the following information and statements.

1. To skate, skateboard, or bike at the Park, a permit must first be obtained from the City.
2. The hours the Park is open.
3. Skating, skateboarding, and biking are only allowed when the Park is open.
4. Helmets, knee pads, and elbow pads are required to be worn at all times in the skate area and while skating, skateboarding, or biking.
5. The failure to wear helmets, knee pads, and elbow pads will subject violators to citation and prosecution under the Lake Forest Municipal Code.
6. Skateboarding, skating, and biking are hazardous recreation activities. Skaters, skateboarders, and bikers skate/bike at their own risk of being injured. The City will not be liable for injuries.
7. Only skateboards, skates, non-BMX bicycles, and non-electric bicycles can be used in the skate area.
8. Scooters, razors, electric bicycles, electrically motorized boards, or motorized vehicles are prohibited in the skate area.
9. No person under the age of eight (8) years old shall be permitted to use the skate area unless accompanied by an adult.
10. No skateboarding, skating, or biking on wet surfaces.
11. Spectators are not permitted in the skate area.
12. No portable or personal radio, stereo, CD player, or similar device, and no headphones are permitted in the skate area.
13. No unauthorized pieces of equipment, obstacles or apparatus may be brought into the skate area.
14. Skating, skateboarding, or biking outside of the skate area is prohibited.
15. Graffiti, tagging, and defacing the Park are prohibited.

16. Possession of glass containers at the Park is prohibited.
17. Tobacco, alcohol, and drug use are prohibited at the Park.
18. Skating, skateboarding, or biking while under the influence of alcohol or illegal drugs is prohibited.
19. Trash must be deposited in the trash receptacles.
20. Persons violating the regulations will be removed from the Park and may be prohibited from skating, skateboarding, or biking at the Park in the future.

Persons violating the regulations will be subject to citation and prosecution under the Lake Forest Municipal Code.”