ORDINANCE NO. 2010-265

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE IV, CHAPTER 6 (SKATEBOARD PROHIBITION AREA), SECTION 4-6-110 (DEFINITIONS) SUBSECTION F (SKATEBOARD PROHIBITION AREA) RESTRICTING THE USE OF SKATEBOARDS, ROLLERBLADES, SCOOTERS AND BICYCLES IN CERTAIN PUBLIC AREAS

WHEREAS, the Town Council of the Town of Windsor adopted Ordinance No. 2001-149 on August 1, 2001, restricting the use of skateboards, rollerblades, scooters and bicycles in certain public areas; and

WHEREAS, Ordinance No. 2001-149 restricts the use public of skateboards, rollerblades, scooters and bicycles in the area commonly known and designated as "the Town Green" and the area known as the "Civic Center"; and

WHEREAS, in recent weeks, public improvements in the area commonly referred to as "the Windsor Depot" and officially designated as "the Windsor Intermodal Transportation Facility" have been damaged by the inappropriate use of skateboards, rollerblades, roller skates, scooter and bicycles; and

WHEREAS, persons using skateboards, rollerblades, roller skates, scooter and bicycles in areas that have pedestrian walkways frequently use them in such a way the creates a risk of injury to themselves, to others, causes an annoyance to pedestrians and causes damage to public property; and

WHEREAS, the Town Council wishes to foster a pedestrian friendly environment and to reduce the risk of injury to persons, and to eliminate the annoyance to pedestrians and the damage to public property by the inappropriate use of skateboards, rollerblades, roller skates, scooter and bicycles; and

WHEREAS, the Town Council has determined that an appropriate method of reducing the risk of injuries to persons and to eliminate the annoyance to pedestrians is to prohibit the use of skateboards, rollerblades, roller skates, scooter and bicycles in public areas that have pedestrian walkways such as the "the Windsor Intermodal Transportation Facility".

NOW, THEREFORE, the Town Council of the Town of Windsor does ordain as follows:

Section 1. The Town Council hereby finds and declares that the above recitals are true and correct.

Section 2. Title IV, Chapter 6 (Skateboard Prohibition Area), Section 4-6-110 (Definitions) Subsection F (Skateboard Prohibition Area) is amended to read as follows:

Section 4-6-110 Definitions

(F). Skateboard Prohibition Area means that area of public property beginning at the intersection of Old Redwood Highway and Windsor Road, then extending south on Windsor Road before jogging west along the south side of the southern portion of Emily Rose Circle to include the site of the Windsor Depot in its entirety located at 9001 Windsor Road and then extending east along the south side of Windsor River Road to Old Redwood Highway, then continuing northwest on Old Redwood Highway to the intersection of Old Redwood Highway and Windsor Road. The Skateboard Prohibition Area specifically includes the Town Civic Center, the area commonly known and designated as the "Town Green" and the "Windsor Depot."

Section 3. It is hereby found and determined that the proposed amendment embodied in the Amendment to Ordinance No. 2001-149 is necessary and desirable.

Section 4. The Amendment to Ordinance No. 2001-149 restricting the use of skateboards, rollerblades, scooters and bicycles in certain public areas is hereby adopted and approved.

Section 5. California Environmental Quality Act ("CEQA")

The Town Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, either directly or indirectly.

Section 6. Statutory Severability.

If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

Section 7. Effective Date and Publication.

This Ordinance shall take effect thirty (30) days from its passage. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof, as provided in California Government Code § 36933, shall be published at least once in a newspaper of general circulation published and circulated in the Town of Windsor.

PASSED, APPROVED, AND ADOPTED this 4th day of August 2010, by the following vote:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, GOBLE, AND MAYOR SALMON**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **COUNCILMEMBER SCHOLAR**

SAM SALMON, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK