

FILE NO. 041745

ORDINANCE NO.

1 [Regulating Skateboard Riding.]

2

3 **Ordinance amending the San Francisco Traffic Code by amending section 100 (Ord.**  
4 **No. 300-98) so that it no longer applies to skateboard riders; repealing a second**  
5 **section 100 (Ord. No. 385-98); repealing sections 100.1 through 100.6, which**  
6 **established a pilot program regulating roller and in-line skaters that has now expired;**  
7 **and adding a new section 100.1, regulating the riding of skateboards in San Francisco.**

8 Note: Additions are single-underline italics Times New Roman;  
9 Deletions are ~~strikethrough italics Times New Roman~~.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The San Francisco Traffic Code is hereby amended by amending Section  
14 100 (Ord. No. 300-98), to read as follows:

15 SEC. 100. (AS AMENDED BY ORD. 300-98) COASTERS, ~~SKATEBOARDS~~ AND  
16 SIMILAR DEVICES, USE OF, RESTRICTIONS.

17 (a) It shall be unlawful for any person upon roller skates or riding in or by means of  
18 any coaster, ~~skateboard~~, toy vehicle, or other similar device other than a skateboard, to travel  
19 upon any sidewalk in any business district or upon any roadway within the City and County of  
20 San Francisco.

21 (b) It shall be unlawful for any person to operate or ride in or upon a roller skate or  
22 skates, coaster, ~~skateboard~~, toy vehicle or other similar device other than a skateboard, upon any  
23 roadway or sidewalk within the City and County between the period commencing 1/2-hour  
24 after sunset and 1/2-hour before sunrise.

25 (c) Any person upon roller skates or riding in or by means of any coaster, ~~skateboard~~,  
toy vehicle or other similar device other than a skateboard, upon any roadway or sidewalk shall

1 yield the right-of-way to any pedestrian crossing the roadway within any marked crosswalk or  
2 within any unmarked crosswalk at an intersection and shall also yield the right-of-way to any  
3 pedestrian approaching on any sidewalk.

4 (d) Any person upon roller skates or riding in or by means of any coaster, ~~skateboard,~~  
5 toy vehicle or other similar device other than a skateboard, upon any roadway shall yield the  
6 right-of-way to any vehicle approaching upon the roadway.

7 (e) Penalties. Any person who violates any provision of this ordinance shall be guilty of an  
8 infraction, and, upon the conviction thereof, shall be punished by a fine not exceeding \$50.

9 (f)(e) This section shall not apply to skateboards ~~roller skates or in-line skates~~ as defined  
10 in and under the conditions prescribed in Section 100.1.

11 Section 2. The San Francisco Traffic Code is hereby amended by repealing Sections  
12 100 (Ord. No. 385-98) through 100.6, to read as follows:

13 ~~SEC. 100. (AS AMENDED BY ORD. 385-98) COASTERS, ROLLER SKATES, SKATEBOARDS~~  
14 ~~AND SIMILAR DEVICES, USE OF, RESTRICTIONS.~~

15 (a) ~~It shall be unlawful for any person upon roller skates or riding in or by means of any~~  
16 ~~coaster, skateboard, toy vehicle or other similar device to travel upon any sidewalk in any business~~  
17 ~~district within the City and County of San Francisco or upon any roadway within the City and County~~  
18 ~~of San Francisco.~~

19 (b) ~~It shall be unlawful for any person to operate or ride in or upon a roller skate or skates,~~  
20 ~~coaster, skateboard, toy vehicle or other similar device upon any sidewalk in any business district~~  
21 ~~within the City and County between the period commencing 1/2-hour after sunset and 1/2-hour before~~  
22 ~~sunrise.~~

23 (c) ~~It shall be unlawful for any person to operate or ride in or upon a roller skate or skates,~~  
24 ~~coaster, skateboard, toy vehicle or other similar device upon any sidewalk on Terra Vista Avenue~~  
25 ~~between St. Joseph's Avenue and Encanto Avenue.~~

1           (d) — Any person upon roller skates or riding in or by means of any coaster, skateboard, toy  
2 vehicle or other similar device upon any roadway or sidewalk shall yield the right of way to any  
3 pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an  
4 intersection and shall also yield the right of way to any pedestrian approaching on any sidewalk.

5           (e) — Any person upon roller skates or riding in or by means of any coaster, skateboard, toy  
6 vehicle or other similar device upon any roadway shall yield the right of way to any vehicle  
7 approaching upon the roadway.

8           (f) — Any person convicted of wilfully violating this ordinance is guilty of an infraction  
9 punishable by a fine not exceeding \$100.00 and/or required to perform community service for a total  
10 time not to exceed 20 hours over a period not to exceed 30 days, during times other than his or her  
11 hours of school attendance or employment. Each violation of this Section shall constitute a separate  
12 offense and shall be an infraction.

13           (g) — Notwithstanding any other provision of this Code, when a person under the age of 18 is  
14 charged with an infraction, a petition setting forth the violation shall be filed with the Juvenile Court  
15 pursuant to Section 256, et seq., and 602 et seq. of Welfare and Institutions Code.

16           (h) — This Section shall be construed so as not to conflict with applicable federal or State  
17 laws, rules or regulations. Nothing in this Section shall authorize any City agency or department to  
18 impose any duties or obligations in conflict with limitations on municipal authority established by State  
19 or federal law at the time such agency or department action is taken.

20           In the event that a court or agency of competent jurisdiction holds that State or federal law  
21 invalidates any clause, sentence, paragraph or section of this Section or the application thereof to any  
22 person, or circumstances, it is the intent of the Board of Supervisors that the court or agency sever such  
23 clause, sentence, paragraph or section so that the remainder of this Section shall remain in effect.

24           ~~SEC. 100.1. ROLLER SKATES, IN-LINE SKATES, USE OF, RESTRICTIONS.~~

1           ~~Skating is prohibited upon any sidewalk in any business district within the City and County of~~  
2 ~~San Francisco. Skating is prohibited upon any sidewalk in any non-business district within the City and~~  
3 ~~County of San Francisco between the period commencing 1/2-hour after sunset and 1/2-hour before~~  
4 ~~sunrise. Any skater skating upon any roadway or sidewalk shall yield the right-of-way to any~~  
5 ~~pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an~~  
6 ~~intersection and shall also yield the right-of-way to any pedestrian approaching on any sidewalk.~~

7           ~~Skating is prohibited upon any roadway within the City and County of San Francisco except as~~  
8 ~~provided in Subdivisions (b) and (c) of this Section.~~

9           ~~(a) — Definitions. The following definitions shall apply to the provisions of this Section.~~

10          ~~(1) — “Bike lane” shall mean a Class II bikeway which is a restricted right-of-way designated~~  
11 ~~by signs or markings, which shall have been posted at the direction of the City and County of San~~  
12 ~~Francisco, or a federal, State, or regional governmental entity, for the exclusive or semi-exclusive use~~  
13 ~~of bicycles with vehicle parking and crossflows by pedestrians, skaters, and motorists permitted.~~

14          ~~(2) — “Bike path” shall mean a Class I bikeway which is a completely separated right-of-way~~  
15 ~~designated by signs or markings, which shall have been posted at the direction of the City and County~~  
16 ~~of San Francisco or a federal, State, or regional governmental entity, for the exclusive use of bicycles~~  
17 ~~and pedestrians with crossflows by motorists minimized.~~

18          ~~(3) — “Bike route” shall mean a Class III bikeway which is a right-of-way designated by signs~~  
19 ~~or permanent markings, which shall have been posted at the direction of the City and County of San~~  
20 ~~Francisco or a federal, State, or regional governmental entity, which is used for bicycle travel and~~  
21 ~~shared with pedestrians, skaters, or motorists.~~

22          ~~(4) — “In-line skate” shall mean a manufactured or assembled device consisting of an upper~~  
23 ~~portion that is intended to be secured to a human foot, with a frame or chassis attached along the~~  
24 ~~length of the bottom of such upper portion, with such frame or chassis holding two or more wheels that~~  
25 ~~are longitudinally aligned.~~

1           (5)——“Pedestrian” shall mean any person who is traveling on foot.

2           (6)——“Protective helmet” shall mean a helmet meeting the standards of California Vehicle  
3 Code Section 21212(a), which includes meeting the American National Standards Institute (ANSI Z  
4 90.4 bicycle helmet standards), the Snell Memorial Foundation's Standards for Protective Headgear  
5 for Use in Bicycling, or the American Society of Testing and Materials (ASTM F-1447 standards) bike  
6 helmet standards.

7           (7)——“Roller skate” shall mean a manufactured or assembled device consisting of a boot  
8 having clamps or straps or both for fastening, with a pair of small wheels near the toes and another  
9 pair at the heel mounted or permanently attached thereto.

10          (8)——“Skater” shall refer to a person who is skating.

11          (9)——“Skating” shall refer to the act of moving by means of one or two roller skates or in-line  
12 skates.

13          (b)——Permitted Routes. For the purposes of the Skate Transit Pilot Program, skating is  
14 permitted only on bike routes and bike paths that the Department of Parking and Traffic has  
15 determined may safely accommodate skaters, pedestrians, bicyclists, and motorists and has designated  
16 by issuing a map identifying such permitted routes. In the event State law is amended to allow skaters  
17 to travel in bike lanes, then, upon the effective date of such State law, the Department of Parking and  
18 Traffic is authorized to designate permitted routes of travel for skaters on bike lanes that the  
19 Department of Parking and Traffic has determined may safely accommodate skaters, pedestrians,  
20 bicyclists, and motorists and has designated by issuing a map identifying such permitted routes.

21           In determining permitted routes, the Department of Parking and Traffic shall consult with the  
22 Skating Advisory Committee and the Public Transportation Department and shall consider, among  
23 others, the following factors: (1) the grade, lighting, and general conditions of the bike route, bike path  
24 or, if permitted by State law, bike lane; (2) the prevailing volume and speed of traffic flows, including  
25

1 ~~high-volume Municipal Railway routes, on adjacent or nearby roadways; and (3) the need for north,~~  
2 ~~south, east and west skater access routes.~~

3 ~~As set forth in subdivision (c)(11) below, every person skating on these permitted routes must~~  
4 ~~obtain and carry at all times while skating a certificate issued by the Police Department. When issuing~~  
5 ~~such certificates, the Police Department shall provide copies of the map of permitted routes prepared~~  
6 ~~by the Department of Parking and Traffic.~~

7 ~~(c) — Restrictions. Skaters traveling upon permitted routes must comply with the following~~  
8 ~~restrictions:~~

9 ~~(1) — Skaters must be ages 18 years or older.~~

10 ~~(2) — Skaters must comply with all applicable provisions of State law.~~

11 ~~(3) — Skaters must yield the right of way to any pedestrian, bicyclist, or motorist approaching~~  
12 ~~upon or entering the bike route or bike path.~~

13 ~~(4) — Skaters must travel with the direction of traffic.~~

14 ~~(5) — Skaters must travel in a single file line if traveling in proximity with another person.~~

15 ~~(6) — While skating, skaters must wear a protective helmet.~~

16 ~~(7) — While skating during darkness, every skater shall be equipped with (a) a lamp emitting a~~  
17 ~~white light which, while skating, illuminates the path of travel in front of the skater and is visible from a~~  
18 ~~distance of 300 feet in front and from the sides of the skater; and (b) a red reflector which shall be~~  
19 ~~visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of~~  
20 ~~headlamps on a motor vehicle.~~

21 ~~(8) — Skaters must use appropriate hand signals when turning left or right from the permitted~~  
22 ~~route.~~

23 ~~(9) — While skating, skaters are prohibited from carrying any object that obstructs or impairs~~  
24 ~~their vision in any direction.~~

1           ~~(10) While skating, skaters are prohibited from using or listening to any device that impairs~~  
2 ~~their ability to hear.~~

3           ~~(11) Each skater must carry, at all times while skating, a certificate issued by the Police~~  
4 ~~Department. The certificate shall state the following:~~

5                     ~~THE CITY RECOGNIZES THE VALUE AND IMPORTANCE OF ADEQUATE~~  
6 ~~TRAINING IN SKATING. THEREFORE, THE CITY URGES EVERY PERSON TO OBTAIN~~  
7 ~~TRAINING IN HOW TO SKATE SAFELY IN THE ROADWAYS. A LIST OF SEVERAL~~  
8 ~~ORGANIZATIONS, SCHOOLS, AND FACILITIES THAT TEACH PEOPLE HOW TO SKATE~~  
9 ~~SAFELY MAY BE FOUND IN THE YELLOW PAGES OF THE PHONE BOOK. THE CITY~~  
10 ~~URGES YOU TO CONTACT ONE OF THESE ORGANIZATIONS, SCHOOLS, OR~~  
11 ~~FACILITIES TO OBTAIN PROPER TRAINING.~~

12                    ~~I, THE BEARER OF THIS CARD, UNDERSTAND THAT SKATING MAY BE~~  
13 ~~DANGEROUS. I UNDERSTAND THAT I MUST WEAR A PROTECTIVE HELMET AT ALL~~  
14 ~~TIMES WHILE SKATING. I UNDERSTAND THAT SKATING UPON THE ROADWAYS~~  
15 ~~WITHIN THE CITY AND COUNTY OF SAN FRANCISCO IS LIMITED TO THE BIKE~~  
16 ~~ROUTES AND BIKE PATHS DESIGNATED ON THE MAP ACCOMPANYING THIS~~  
17 ~~CERTIFICATE, WHICH THE DEPARTMENT OF PARKING AND TRAFFIC HAS PROVIDED~~  
18 ~~TO ME.~~

19                    ~~BY SIGNING BELOW I ACKNOWLEDGE THAT I HAVE READ, UNDERSTOOD, AND~~  
20 ~~WILL COMPLY WITH THESE PROVISIONS.~~

21  
22                    ~~\_\_\_\_\_ NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_~~

23                    ~~The Chief of Police may authorize changes in the language of the certificate that more~~  
24 ~~effectively achieve its purposes, including, but not limited to, promoting skater safety awareness~~  
25 ~~and training.~~

1           ~~(12) No skater shall attach in any manner himself or herself to any street car, bus or~~  
2 ~~other vehicle on the roadway, or in any other way skate in a reckless manner.~~

3           ~~(13) No skater shall operate skates on any roadway, including a permitted route, or~~  
4 ~~sidewalk, in such a manner as to endanger the safety or property of another.~~

5           ~~(d) — City Actions. To implement this ordinance, the City and County of San Francisco~~  
6 ~~shall take all reasonable steps to do the following:~~

7           ~~(1) — The Department of Parking and Traffic shall consider installing signs along~~  
8 ~~permitted routes, as designated in Subdivision (b), which demark the routes and warn of~~  
9 ~~potential hazards in the roadway. The Department of Parking and Traffic is authorized to~~  
10 ~~accept gifts not to exceed \$500,000 made to the City and County of San Francisco for the~~  
11 ~~purposes of implementing the Skate Transit Pilot Program.~~

12           ~~(2) — The Department of Public Works shall consider installing additional lighting~~  
13 ~~necessary to permit skating at night along permitted routes, as designated in subdivision (b).~~

14           ~~(3) — The Police Department, the Municipal Railway, and the Department of Public~~  
15 ~~Health shall, individually, compile an annual report for each department of known accidents~~  
16 ~~and property damage involving skaters and known incidents of violations in the City and~~  
17 ~~County of San Francisco.~~

18           ~~SEC. 100.2. CRIMINAL PENALTY.~~

19           ~~Any person who violates any provision of this ordinance shall be guilty of an infraction,~~  
20 ~~and, upon the conviction thereof, shall be punished for the first offense by a warning or a fine of~~  
21 ~~not less than \$25 nor more than \$50; and for a second offense and each additional offense by a~~  
22 ~~fine of not less than \$50 nor more than \$250. All fines collected for violations of this ordinance~~  
23 ~~shall be set aside for appropriation to the Department of Parking and Traffic for expenditure by~~  
24 ~~and for the Skate Transit Pilot Program.~~

25           ~~SEC. 100.3. SEVERABILITY.~~



1            *If any part or provision of this ordinance, or the application thereof to any person or*  
2 *circumstance, is held invalid, the remainder of this ordinance, including the application of such*  
3 *part or provisions to other persons or circumstances, shall not be affected thereby and shall*  
4 *continue in full force and effect. To this end, the provisions of this ordinance are severable.*

5            ~~SEC. 100.4. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL~~  
6 ~~WELFARE.~~

7            *In undertaking the adoption and enforcement of this ordinance, the City and County is*  
8 *undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its*  
9 *officers and employees, an obligation for breach of which it is liable in money damages to any*  
10 *person who claims that such breach proximately caused injury.*

11            ~~SEC. 100.5. NOTICE OF PROVISIONS.~~

12            *The Director of the Department of Parking and Traffic shall publish a map of the*  
13 *permitted routes once, post a copy of such map on a bulletin board in or adjacent to City Hall*  
14 *for a period of 90 days after passage of this ordinance, and cause a copy of such map to be*  
15 *included in a utility bill sent to the public within 90 days after passage of this ordinance.*

16            *The notice requirements of this Section are intended to enhance community awareness*  
17 *of the Skate Transit Pilot Program. However, the notice requirements shall be given directive*  
18 *effect only. Accordingly, the failure of the Director of the Department of Parking and Traffic to*  
19 *provide the notice required by this Section shall not be a defense to any criminal proceeding or*  
20 *civil action brought to enforce the provisions of this ordinance nor shall such failure relieve any*  
21 *person of criminal or civil liability for skating in violation of this ordinance.*

22            ~~SEC. 100.6. SUNSET PROVISION.~~

23            *Section 100.1 shall expire on December 31, 1999. At that time, the original provisions of*  
24 *Section 100 shall take effect over Section 100.1.*

1 Section 3. The San Francisco Traffic Code is hereby amended by adding Section 100.1  
2 to read as follows:

3 Section ~~101.1~~ 100.1 Skateboards, Use of, Restrictions.

4 (a) Definitions. The following definitions shall apply to the provisions of this section.

5 (1) "Skateboard" shall mean a self-propelled means of conveyance consisting of a board or  
6 platform, on which a person may ride, mounted on a set of wheels in contact with the ground, but not a  
7 bicycle, electric personal assistive mobility device, motorized skateboard, scooter, or in-line or roller  
8 skates.

9 (2) "Business district" shall mean any commercial, partly commercial or neighborhood  
10 commercial district enumerated in San Francisco Planning Code section 201.

11 (3) "Business hours" shall mean from 7:00 a.m. until 7:00 p.m.

12 (4) "Protective nightgear" shall mean the following lighting equipment.

13 (A) A lighting device that shows a white light visible from a distance of at least 500 feet from the  
14 front of the device and

15 (B) A red reflector or other lighting device or material of such size or characteristic and so  
16 mounted, carried or worn as to be visible from all distances up to 600 feet from the rear when directly  
17 in front of lawful lower beams of headlights on a motor vehicle.

18 (b) Prohibitions and Restrictions.

19 (1) It shall be unlawful for a person to ride a skateboard upon any roadway in the City and  
20 County of San Francisco, except while crossing a street in a legal crosswalk. When crossing a street,  
21 the person riding the skateboard shall yield the right-of-way to any pedestrian or vehicle crossing or  
22 otherwise approaching upon the roadway.

23 (2) It shall be unlawful for a person to ride a skateboard upon any sidewalk in any business  
24 district during business hours. This subsection shall not apply to a person who rides a skateboard due  
25 to a disability.

1           (3) It shall be unlawful for a person to ride a skateboard upon any sidewalk where permitted by  
2 this ordinance after dark without wearing protective nightgear.

3           (4) It shall be unlawful for a person to ride while seated or lying down on a skateboard. This  
4 subsection shall not apply to a person who rides a skateboard due to a disability.

5           (5) A person who rides a skateboard upon a sidewalk in an area where such riding is not  
6 prohibited by this ordinance shall have due regard for pedestrian safety and public property, yield the  
7 right-of-way to any pedestrian approaching on any sidewalk, and shall travel at a speed that does not  
8 endanger the safety of persons or property.

9           (6) A person who rides a skateboard upon a sidewalk in an area where such riding is not  
10 prohibited by this ordinance shall comply with all applicable provisions of State law.

11           (c) Penalties. Any person who violates any provision of this ordinance shall be guilty of an  
12 infraction, and, upon the conviction thereof, shall be punished by a fine not exceeding \$50.

13           (d) Education and Compliance. In order to encourage and assist compliance with this section,  
14 and subject to availability of funds, the City shall coordinate informational activities to notify and  
15 educate persons who ride skateboards and the public of this section, including, but not limited to, the  
16 following:

17           (1) Publication of this section in local newspapers and

18           (2) Publication and distribution of materials explaining this section to skateboard retailers and  
19 their employees, local schools, local recreation centers and members of the public.

20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23  
24 By: \_\_\_\_\_  
25       Amy S. Ackerman  
       Deputy City Attorney