

BY THE COMMON COUNCIL FOR THE CITY OF CHARLESTOWN, INDIANA:

ORDINANCE NO. 2005-OR-09

AN ORDINANCE REGULATING SKATEBOARDS AND OTHER SIMILAR DEVICES

WHEREAS, the Common Council of the City of Charlestown recognizes that the use of skateboards and other similar devices are a popular means of recreational activity and transportation; and,

WHEREAS, the Charlestown Board of Public Works and Safety, on behalf of the Charlestown Police Department, has made recommendation for regulations of the use of skateboards and other **similar** devices within the corporate limits of the City of Charlestown; and,

WHEREAS, such regulations of skateboards and other similar devices **are** necessary to facilitate the safety of pedestrians, vehicle motorists, as well as the users of skateboards and other similar devices;

NOW, THEREFORE BE **IT HEREBY ORDAINED** that users of skateboards and other similar devices, within the corporate limits of the City of Charlestown, shall be subject to the rules and regulations prescribed by this ordinance.

DEFINITIONS: For purposes of this ordinance, the term "skateboards and other similar devices" shall mean and include any non-motorized object, which contains wheels and is propelled **by** an individual for purposes of transporting that individual any distance. Such a description shall include, but not limited to, ~~bicycles~~, skateboards, roller-skates, cross-country skis with wheels, and roller blades. For purposes of this Ordinance, such definition shall specifically exclude wheelchairs when used **as** intended.

1.) Rules and Regulations of Skateboard and other Similar Device Users:

- a. **No** person shall **ride** a skateboard or other similar device in any public place within the City except where **specifically authorized by this ordinance**.
- b. No person shall ride a skateboard or other similar device in any public place within the City without complying with the rules and regulations of this ordinance.
- c. **Prohibited use of Skateboards and other Similar Devices on all City Streets; Exceptions:**
 1. No person shall ride a skateboard or other similar device on any street except when crossing a **street**.
 2. **The** laws governing pedestrians crossing **streets** shall apply to any person crossing the street riding a **skateboard** or **other** similar device.
 3. Any person crossing a street while riding a skateboard or other similar device shall come to a **complete** stop and give the right of way to all vehicular traffic before crossing said street.
 4. Any person crossing a street while riding a skateboard **or** other similar device shall exercise due care for their own safety and the safety of other persons.
 5. Any person crossing a street while riding a skateboard or other similar device shall yield the right-of-way **to** pedestrians at all crosswalks.
 6. No **person** crossing a street while riding a skateboard **or** other similar device shall travel **too** fast for the existing conditions, including weather, lighting, and the presence of construction or repair work.
- a. **Skateboards and other Similar Devices on Sidewalks:**
 1. No person shall ride a skateboard or other similar device on any City sidewalk in the following areas of **the** City:
 - a. **areas** zoned for **BUSINESS** designation, including shopping centers, roadside and their respective parking lots,
 - b. properties of **hospitals**, nursing homes, fire stations, churches, **synagogues**, and schools, including their respective parking lots,
 - c. areas **zoned** for **INDUSTRIAL** designation, including manufacturing facilities and their respective parking lots,
 - d. areas zoned for **MULTI-FAMILY** Residential, including apartment complexes and buildings,

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- e. sidewalks and public access areas where specifically posted, including certain areas of parks such as on or around gazebos and structures designated for specific other uses.
1. Persons may ride skateboards and other similar devices on sidewalks in the following areas of the City:
 - a. areas zoned for RESIDENTIAL designation, except multi-family apartment complexes and buildings.
 - b. **areas zoned for PLANNED UNIT DEVELOPMENT and used as single and two family residential, excluding multi-family, commercial and industrial.**
 - c. **areas zoned for AGRICULTURAL designation.**
 1. Persons who ride a skateboard or other similar device on sidewalks were permitted must at all times exercise due care for the safety of other persons using the sidewalks.
 2. Persons who ride a skateboard or other similar device on sidewalks were permitted must at all times yield the right-of-way to pedestrians and give pedestrians audible warnings before overtaking and passing them.
- 1.) Warning Notices, Citations and Penalties:
- a. The provisions of this ordinance shall be enforced by officers of the City Police Department, as agents of and for the City.
 - b. Anyone violating the provisions of this ordinance may be subject to the following penalties:
 1. Verbal Notice: Anyone violating the provisions of this ordinance shall be asked to abide by the governing rules and regulations. If the individual refuses to do so, he or she will be issued a written warning notice.
 2. **Written Warning Notice: Issuance of a written warning notice to a violator, subsequent to a verbal notice, stating that he or she is in violation and that failure to comply may result in impoundment of his or her skateboard or other similar device and a citation being issued for the violation. If the individual continues to refuse to abide by the provisions of this ordinance, he or she will be issued a citation and be subject to impoundment of the skateboard or other similar device of the violator.**
 3. Citations: Issuance of a citation shall be subsequent of the issuance of a written warning notice for the violation of the provisions of this ordinance within the same calendar year. The issuance of a citation shall impose a fine of fifty dollars (\$50.00). as well as the impoundment of the violator's skateboard or other similar device.
 - a. The written warning notice issued in accordance with this ordinance shall contain the date, time, name, age, and address of the violator, the name of the violator's parent(s) or guardian if the violator is a minor, this ordinance number, nature of the violation, location of the violation, the name of the police officer issuing the written warning notice and the telephone number of the office to contact for information.
 - b. The citation issued in accordance with this ordinance shall contain the date, time, name, age, and address of the violator, the name of the violator's parent(s) or guardian if the violator is a minor, this ordinance number, nature of the violation, location of the violation, the name of the police officer issuing the citation, a court name, address and telephone number and court date.
 - c. The City Police Department shall maintain records of all skateboards and other similar devices impounded by date, time, name and address of the violator, the ordinance number of violation and a brief description of the item impounded. All such items impounded shall be tagged for purposes of proper identification and secured at the City Police Department.
 - d. The impounded skateboard or other similar device, if belonging to a person under eighteen (18) years of age, shall be given to the parent or guardian of the minor upon request after a full explanation of the reason for impounding the skateboard or other similar device is given to such parent or guardian and after payment is received for all outstanding citations issued.
 - e. The impounded skateboard or other similar device, if belonging to a person eighteen (18) years of age or older shall be given to him or her upon request and payment is received for all outstanding citations issued.

- f. Each subsequent day of violation shall be considered a separate offence for which a citation may be issued thereafter.
- g. Anyone **who** recklessly, knowingly, or intentionally obstructs vehicular or pedestrian traffic while on a skateboard or other **similar** device commits disorderly conduct and/or obstruction of vehicle traffic and shall be subject to **the** provision of the applicable state statute.
- h. **Penalty** fines collected by the City Court for the violation of this ordinance shall be forwarded to a City **non-reverting** fund for the **repair and maintenance of parks and recreational areas** within the City.

NOW, THEREFORE BE IT ORDAINED that **this** ordinance shall be **in** full force and effect **from** and **after**, its passage by **the** CHARLESTOWN COMMON COUNCIL and publication as prescribed by law on this

6th day of June, 2005.

In witness hereof the foregoing councilmen have affixed their signatures:

<u>Signature</u>	<u>AYE VOTE</u>	<u>NAY VOTE</u>
Councilman Jeff Aaron	<u>Jeff Aaron</u>	_____
Councilman Tony Pierce	<u>Tony Pierce</u>	_____
Councilman Matt Woods	<u>Matt Woods</u>	_____
Councilman Brian Walker	<u>Brian Walker</u>	_____
Councilman Bruce Bottorff	<u>Bruce Bottorff</u>	_____

Approved by the Mayor this 6th day of June, 2005.

Michael D. Hall
Michael D. Hall, Mayor

Attested by:

Donna Coomer
Donna Coomer, Clerk-Treasurer