

(Use this form to file a local law with the Secretary of State.)

STATE OF NEW YORK
DEPARTMENT OF STATE

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
JUL 2 1 2003

County
City of Chittenango
Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 3 of the year 2003

A local law *Regulating the use of skateboards*
within the Village of Chittenango, New York

Be it enacted by the *Board of Trustees* of the

County
City of Chittenango, New York
Town
Village as follows:

Section 1. Definitions:

- a. Business districts: Those areas designated as "general business" and "special business" districts by the Village of Chittenango on the Zoning Map of the Village established pursuant to Section 148-9 of the Village Code.
- b. Public Lands: All lands owned by the State of New York and/or it's political subdivisions and all lands constituting open streets and walkways used by the public and for which the State of New York and/or it's political subdivisions have a recorded right of way, regardless of whether such streets or walkways are improved with concrete or asphalt.
- c. Reflective Clothing: Any shirt, vest, or jacket or any other readily visible item of apparel equipped with a light reflective surface.
- d. Skateboard: A board of wood, plastic, fiberglass or similar material upon which wheels are attached and used for gliding or moving on any hard surfaces, without a mechanism or other device with which to steer or change direction while the same is used, operated or ridden.

Section 2. Prohibitions:

- a. It shall be unlawful to operate skateboards in any manner upon any public streets (including the entire paved and improved surfaces thereof, including gutter areas, from curb to curb, where curbs exist), parking lots, sidewalks, or any public lands in the business districts of the Village of Chittenango, except those lands specifically designated by the Village as areas upon which skateboards may be legally operated, and then only in accordance with the rules published therefore.
- b. No parent or guardian shall authorize or knowingly permit his/her child or ward, if under the age of 16 years, to operate a skateboard in violation of any provision of this Local Law.

- c. No person shall use or operate a skateboard in a zoning district other than a business district, upon any streets (including the entire paved surface and improved surfaces thereof, including gutter areas, from curb to curb, where curbs exist), public parking lots, sidewalks or on any public places within the Village of Chittenango, in the following manners:
 - i. In a careless manner without due caution and circumspection; or
 - ii. In a manner endangering, or in any manner which creates a risk or danger to any person or property; or
 - iii. In any manner to impede or interfere with pedestrian or vehicular traffic.
- d. No person shall operate a skateboard at night time, unless he or she is wearing reflective clothing, which shall be visible from a distance not less than 50 feet and up to a maximum of 300 feet from the front, side and rear when directly in front of the lawful beams of headlights on a motor vehicle.

Section 2. Affirmative Obligations of Skateboarders.

- a. Every person operating a skateboard in zoning districts other than business districts shall operate the same in strict observance of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles and play vehicles, except as to those provisions which by their nature have no application to skateboards.
- b. The operator of a skateboard emerging from an alley, driveway, or building shall, upon approaching the sidewalk, yield the right of way to all pedestrians on said sidewalk.
- c. Whenever any person shall operate a skateboard upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and/or passing such pedestrian.

Section 4. Penalties for Offenses.

- a. Any skateboarder found violating this Local Law, shall have the skateboard being used immediately impounded and:
 - i. In the case of a first offense, after twenty-four hours from such impoundment, the skateboard will be returned to the rider at the Village of Chittenango Police Department upon appearance of the rider, if the rider is eighteen (18) years of age or older, or upon appearance by the rider accompanied by his/her parent or guardian, if the rider shall be under age eighteen (18) years of age; and

- ii. In the case of a second offense, within eighteen (18) months, the skateboard shall be impounded and not returned to the skateboarder for fifteen (15) days, upon appearance of the appropriate person(s) at the Village of Chittenango Police Department as aforesaid; and
 - iii. In the case of a third offense, within eighteen (18) months, the skateboard shall be impounded and not returned to the skateboarder for a period of one (1) year from the date of the violation, and then only upon appearance at the Village of Chittenango Police Department by the appropriate person(s) as set forth above. If the skateboard is not claimed at the Police Department after one and one-half (1½) years from the date of the offense for which the skateboard has been impounded, the police may dispose of it in accordance of the provisions for disposing property under the New York State Personal Property Law as lost and found property.
- b. In addition to subparagraph a. above, upon a second and subsequent offense, any person violating this Local Law shall be guilty of a violation, and upon conviction of such violation shall be subject to a fine of not less than \$25.00 and not more than \$50.00 for each offense.

Section 5. Severability.

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be unconstitutional, illegal and invalid, such Judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in it's operation to the clause, sentence, paragraph, word, section and/or part thereof directly involved in the controversy in which said Judgment shall have been rendered.

Section 6. Effective Date.

This local law shall take effect twenty (20) days after passage, or upon filing with the Secretary of State, whichever occurs later.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2003 of the (County)(City)(Town)(Village) of Chittanooga was duly passed by the Board of Trustees on June 24, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one, above.

[Handwritten Signature]

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/14/03

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Madison

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Handwritten Signature]

Signature

Village Attorney
Title

County
City of Chittenango, New York
Town
Village

Date: 07/15/03