

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

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

~~County~~

~~City~~

~~Town~~

Village

of Nunda

Local Law No. 1 of the year ~~19~~ 2000

A local law regulating the use of skateboards and in-line skates within the
(Insert Title)
Village of Nunda.

Be it enacted by the Village Board of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

Village

of Nunda

as follows:

Section 1- Purpose.

The Board of Trustees of the Village of Nunda hereby affirms that providing for the safety, health and general welfare of the residents of the village and those who use its public streets and sidewalks is an important matter of public policy. It is the intention and purpose of this local law to prevent the occurrence of bodily injury or damage to residents or users of public streets and sidewalks within the village. This local law is intended to regulate the use of skateboards and in-line skates within the village so as to minimize the likelihood of personal or bodily injury to those engaging in in-line skating or skateboarding, as well as other parties using the public streets and sidewalks within the village, and to prevent property damage by those parties skateboarding or in-line skating within the village.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 2- Definitions.

For the purposes of this law, the following terms shall have the meanings listed:

SKATEBOARD - A single platform constructed of wood, plastic, fiberglass or any material or substance which is mounted on wheels, having no mechanism or other device with which to steer or control the direction thereof while being used, operated or ridden, although the direction of motive operation or motion may to some degree or extent be controlled by the shifting of feet or weight by the rider or operator during use.

SKATEBOARDING - The practice of one or more persons riding, pedaling or otherwise propelling themselves on a SKATEBOARD (as defined in this law).

IN-LINE SKATES - Footwear or apparatus attached to footwear designed to convert ordinary footwear to a recreational or motive use, consisting of a set of wheels or wheeled platforms, whether or not permanently affixed to the footwear, and regardless of the configuration of the wheels thereon, designed to be worn on the user's feet and used to coast or skate.

IN-LINE SKATING - The practice of one or more persons coasting or skating or otherwise propelling themselves on IN-LINE SKATES (as defined in this law).

Section 3- Skateboarding and In-Line Skating -Prohibited Locations and Uses.

A. No person shall use, operate or ride upon any skateboard or in-line skates within the Village of Nunda during the following times or upon the following streets or areas.

(1) No person shall operate, use or ride upon any skateboard or operate or use in-line skates in any public highway, street, road, sidewalk, public park, or public parking lot within the Village of Nunda from the hours of sunset to sunrise. Notwithstanding the foregoing, this law shall not be intended to regulate such operation wholly within private property as long as such use and operation are permitted by the private landowner.

(2) No person shall operate, use or ride upon a skateboard or in-line skates at any time or hour within the Village of Nunda commercial district, being the area zoned for commercial use as such is presently defined by the Village of Nunda Zoning Local Law and adjacent area being limited to the properties and lands fronting on New York State 408 (State Street-north and south) and New York State Route 436 (Portage and Mill Streets) and generally bounded by West Street and South West Street on the West; on the South by the south line of the Village of Nunda commercial zoning district; on the north by the north line of the Village of Nunda commercial zoning district and on the East by an area generally 300 feet east of the east bounds of N.Y.S. Route 408 (North and South State Street).

(3) Operation, use or riding of skateboards or in-line skates between the hours of sunset and sunrise will not be permitted in public parks unless or until skateboard or skating paths shall have been constructed and/or designated for use by skateboarders or in-line skates.

(4) Operation, use or riding of skateboards or in-line skates within public parking areas or lots, being specifically those lots owned and maintained by the Village of Nunda, shall not be permitted at any time whatsoever.

B. No person shall use, operate or ride on any skateboard or in-line skates in any place or location within the Village of Nunda in such an unsafe or dangerous manner as to endanger the operator or user or any other pedestrian, motorist or bystander, or in such manner as might result in serious bodily injury or property damage.

C. No person shall use wax or any other agent or substance to reduce friction or to increase slipperiness so as to facilitate speed of movement by and between any surface and a skateboard or in-line skates on or within any public sidewalk, public road or thoroughfare, or any other public path or place that a motorist, pedestrian or bystander might use or frequent.

Section 4- Seizure and Redemption.

A. Any peace officer may seize the skateboard or in-line skates of a person observed violating this local law.

B. Every skateboard or in-line skates seized shall be placed under the control of the Chief of Police for the Village of Nunda.

C. The owner of the seized skateboard or in-line skates may redeem same from the Chief of Police for the Village of Nunda by paying to the Village Clerk the sum of \$10.00.

D. Any skateboard or in-line skates not redeemed within 30 days after seizure shall be deemed abandoned and shall be treated as abandoned by the Nunda Police Department.

Section 5- Jurisdiction.

A. The Village Justice of the Village of Nunda shall have jurisdiction to hear all violations of this local law.

Section 6- Penalties.

A. A violation of this local law shall be deemed an offense against the within local law. Each violation shall be deemed a separate violation.

B. A conviction of a violation of this local law by a person sixteen (16) years old or older shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00) for each offense or imprisonment for not more than fifteen (15) days, or both.

Section 7- Parental Responsibility.

A. Any parent of a person under the age of sixteen (16) years old, which said person violates this local law, shall be notified of the violation if the violation is the first such violation.

B. Any parent of a person under the age of sixteen (16) years old, which said person violates this local law after the notification of the first violation as provided in subsection A. above, shall be subject to the penalties set forth in Section 6.

Section 8- Separability.

A. The invalidity of any part of this local law shall not invalidate any other part of the local law.

Section 9- Repeal of Prior Laws.

A. Any and all existing ordinances or other local laws in conflict with this local law are hereby repealed.

Section 10- Effective Date.

A. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 1 of ~~19~~ 2000 of the (County)(City)(Town)(Village) of Nunda was duly passed by the Village Board on August 14 ~~19~~ 2000, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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 19..... 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..... 19...., 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 19..... of the County of _____ State of New York, having been submitted to the electors at the General Election of November 19...., 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....., above.

Mirilee G. Walker

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

(Seal)

Date: August 23, 2000

(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 LIVINGSTON

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.

Signature

Village Attorney

Title

~~County~~
~~City~~ of Nunda, New York
~~Town~~
Village

Date: August, 2000