

## Proposed Local Law Number 2022-C

### A local law to amend the Code of the Village of Scotia, New York relating to Encumbrances on Streets and Sidewalks

**Be it enacted** as by the Board of Trustees of the Village of Scotia as follows:

**Section 1.** Village Code Chapter 210, Streets and Sidewalks, Article II, General Use, Section 210-17, Recreational Use, Paragraphs A and D are amended to read as follows:

- A. Riding on sidewalk prohibited. No person shall ride any animal or motorcycle upon any sidewalk in the Village of Scotia. No person over 10 years of age shall ride any bicycle, tricycle, skateboard or in-line skate or similar self-propelled vehicle upon any sidewalk.
- B. Sledding and riding. No person shall ride, slide or coast with any device or conveyance commonly called a "cart," "wagon," "sled," "skiis," "rollerskates" or "~~skateboard~~" in or upon any street, sidewalk or highway within the Village of Scotia.

**Section 2.** Village Code Chapter 210, Streets and Sidewalks, Article II, General Use, Section 210-17, Recreational Use, New Paragraph F, Skateboard and In-line Skates is added to read as follows:

#### 1 Legislative findings and declaration of purpose.

The Village Board finds that skateboarding and in-line skating poses a special safety hazard which must be addressed and that, therefore, appropriate regulation thereof is necessary to promote the safety of skaters, pedestrians, motor vehicle operators and other persons utilizing roadways and sidewalks within the Village. Accordingly, the Village Board declares this law to be necessary for the protection of the public health, safety and welfare and to be in the public interest.

#### 2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

##### IN-LINE SKATES

Manufactured or assembled devices consisting of a shoe boot with a blade-like runner approximately three to four inches in thickness mounted or permanently attached thereto in a frame across the length of such shoe boot, with such blade-like runner containing three, four or five wheels designed to minimize friction with any surface with which they come in contact and which are aligned along the length of the runner in more or less a straight line, and used to skate or glide, by means of human foot and leg power.

##### SKATEBOARD

Manufactured or assembled device consisting of a narrow board of wood, plastic, fiberglass or similar material with roller skate or other type of wheels attached to each end, without a mechanism or other device for steering, and used to skate or glide, by means of human foot and leg power.

#### 3 General standard of care.

No person shall use or operate a skateboard or in-line skates upon any public streets (including the entire paved and improved surfaces thereof and gutter areas, from curb to curb, where curbs exist), sidewalks, curbs, railings, steps, ramps or other public property within the Village:

- a. In a careless or aggressive manner without due caution;
- b. While endangering, or in any manner creating a risk or danger to, any person or property;
- c. In a manner which impedes or interferes with pedestrian or vehicular traffic;
- d. Without yielding the right-of-way to all pedestrians and giving an audible signal when overtaking and passing any pedestrian;
- e. Within six feet of any business or commercial structure, except for purposes of ingress or egress thereto;
- f. Other than in strict observance of those provisions of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles and in-line skates, except as to those provisions which by their nature can have no application; or
- g. Except in strict compliance with other duly enacted laws, rules or regulations.

#### 4. Restricted Use Areas.

Areas in the Village of Scotia in which skateboard riding or in-line skating is prohibited are as follows:

- a. Route 5 (Mohawk Avenue) from Schonowee Avenue to Schermerhorn Street
- b. Route 50 (Ballston Avenue) from Route 5 (Mohawk Avenue) to Bancker Avenue
- c. Route 147 (Sacandaga Road) from Route 5 (Mohawk Avenue) to Albermarle Road
- d. Cuthbert Street from Vley Road to Ballston Road
- e. Sacandaga Road from Route 5 (Mohawk Avenue) North to the Village/Town Boundary Line
- f. Schonowee Avenue from Route 5 to Washington Avenue
- g. Vley Road from North Ballston Avenue to Halcyon Street

#### 5 Helmet required.

No person, one or more years of age and less than 16 years of age, shall skate or glide on a skateboard or in-line skates unless such person is wearing a helmet meeting the standards of the American National Standards Institute (Ansi Z 90.4 bicycle helmet standards) or the Snell Memorial Foundation's Standards for Protective Headgear for use in bicycling. For the purposes of this section, "wearing a helmet" means having a helmet of good fit fastened securely on the head with the helmet straps.

#### 6. Responsibility of parent or guardian.

The parent or guardian of a minor child shall not authorize or knowingly permit any such child to violate any of the provisions of this chapter.

**Section 3.** Village Code Chapter 210, Streets and Sidewalks, Article II, General Use, Section 210-22, Penalties shall be amended to add the following:

Any person violating Section 210-17 (F) of this article shall be guilty of a violation subject to the following penalties:

- A. For the first conviction a fine of not more than \$25.
- B. For the second conviction for a fine of not less than \$75.

- C. For the third conviction or more for a fine of not less than \$150.
- D. In the case of a third violation or more, a police officer who shall observe any person using or riding upon a skateboard in violation of this Section may take possession of the skateboard and issue a dated, written notice of such violation to such person, or if such person is under the age of 18 years, to the person and their parent or guardian. The skateboard shall be returned to the rider or if under 18, to their parent or guardian at the court appearance and payment of a \$35 impoundment fee.

May 13, 2022