

White River City Ordinance No. 145

An ordinance of the city of white river making it unlawful for persons to operate skateboard, roller-skates, rollerblades or similar devices on any highway, street, or alley, and any sidewalk, walkway adjacent to specified streets; and restricting the use of ramps, jumps or similar devices.

Be it ordained by the city of White River, South Dakota that:

Whereas it has come to the attention of the City Council that there has been an increasing problem with persons riding skateboards, roller-skates, and rollerblades on public rights of way that not only create a danger for the riders, but for the vehicular traffic that have to avoid these riders; and

Whereas in order to promote the health and safety of its citizens, this City Council finds that it is in the City's best interest to adopt an ordinance that regulates any person operating a skateboard, roller skates, rollerblades or similar devices along sidewalks, walkways and roadways in an unsafe manner; and

Whereas, the City Council has found it necessary to regulate the placements of ramps utilized by persons with skateboards, roller-skates, rollerblades, or similar devices on public property for the safety of the riders and the general public; and

Section One (1.): Definitions

- (1) "Skateboard" has its ordinary meaning and includes a board of any material with wheels affixed to the underside, designed to be ridden by a person. For the purposes of this Ordinance the term "skateboard" shall include the terms "scooter" and "coaster".
- (2) "Riding a skateboard" means standing with one or both feet touching the skateboard, crouching, sitting or lying upon the skateboard while it is in motion and / or propelling a skateboard.
- (3) Negligent maneuver means any maneuver that may or cause injury to a person, including the rider, and/or damage to property, and/or any maneuver that threatens such injury or damage.

Section Two (2.): Prohibition of Skateboards, Roller-skates, Rollerblades and Similar Devices.

No person shall operate, propel and / or ride any type of skateboard, roller-skates, rollerblades or similar devices on any street in White River, or any sidewalk or curb adjacent to Roosevelt Street, Main Street, US Highway 83, or any sidewalk or curb adjacent to the cross streets between and connecting these streets.

Section Three (3.): Prohibition of Ramps, Jumps or Similar Devices.

No person will construct any ramp, jump or similar device intended for use by a person with a skateboard, roller-skates, rollerblades or similar device on any highway, street, alley, or in the areas specified above, or exit to which the public or a substantial group of the public has access, or any other place used for the passage of persons, vehicles, or conveyances.

Section Four (4.): Penalties for Violation.

Any person who violates any provision of this subchapter for which another penalty has been enacted shall be punished as follows:

First offense: ten dollar (\$10) fine and confiscation for three (3) days.

Second offense: Fifteen dollar (\$15) fine and confiscation for (10) days.

Third and subsequent offenses: Twenty-five (\$25) dollar fine and confiscation for thirty (30) days.

A parent or parents must accompany minors when paying fine and redeeming confiscated skateboards, roller-skates, rollerblades or similar devices from local law enforcement.

Section Five (5.) : Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section Six (6.): Severability.

If any section, subsection or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section Seven (7.) : Effective Date.

This ordinance shall be effective from date of its publication (March 24th, 2010) .

Section Eight (8.): Cost and Expenses.

Violators of this ordinance have full rights to contest and appeal an offense under this ordinance, but must pay reasonable costs and expenses associated with defending this ordinance if not successful in contesting or appealing the offense.

For the City of White River

This, the 1st day of February, 2010 by: /s/Mayor Dennis Lyons

Attest: /s/ Donna Brandis - Finance Officer

First Reading: February 1, 2010

Second Reading: March 1, 2010

Approval and Adoption: March 1, 2010

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