

VILLAGE COUNCIL
VILLAGE OF NASHVILLE
ORDINANCE NO. 1-22-2004-B

Council member Kenyon, supported by Council member Coll, moved the adoption of the following Ordinance:

AN ORDINANCE TO REGULATE THE USE OF SKATEBOARDS, INLINE SKATES, AND
SIMILAR DEVICES WITHIN THE VILLAGE OF NASHVILLE

THE VILLAGE OF NASHVILLE ORDAINS:

Section 1. Finding of Necessity. It has been determined that the unregulated use of skateboards, inline skates and similar devices in the Village can be detrimental to the health, safety and welfare of residents of the Village, and that regulation of skateboards, inline skates and similar devices on the public ways and on residential property is therefore essential.

Section 2. Conduct prohibited.

a. No person while on a public roadway, alleyway or on any public area designed for the parking of vehicles shall engage in ice skating or skateboarding or shall participate in the playing of any game or flip ball, basketball, stickball, kickball, tag or other similar activity.

b. No person while on a public roadway or any public alleyway, except as necessary to cross it, shall engage in roller skating, skateboarding, or inline skating.

c. No person riding any bicycle, moped, coaster, roller skates, inline skates, skateboard, go-cart, mini-bike or similar device shall attach the same or himself or herself to a moving motor vehicle on a street, sidewalk, alley or other public way. No operator of moving vehicle shall allow a person to attach himself or herself to the vehicle.

d. No person shall use or operate a skateboard, roller skates, inline skates or similar device for any purpose whatsoever on the sidewalks, streets, alleys, or other public places within an area bounded by Reed Street to the north, Church Street to the south, Water Street (including the parking lot) to the west, and Putnam Street to the east of Main Street.

e. No person shall use a skateboard, roller skates, inline skates or bicycle upon any sidewalk or other public place in a careless or negligent manner which causes or reasonably could cause any injury to any other person or any damage to property owned by any other person, including, without limitation, any public property.

f. No person shall roller skate, skateboard, or inline skate on any bench, table, planter, ramp, well, retaining wall, porch, step or other structure located on public property of any kind.

g. No person riding a skateboard, inline skates, bicycle, roller skates or similar device upon a sidewalk or other paved surface shall fail to yield the right of way to any pedestrian and

shall not approach, overtake or pass such pedestrian in a reckless or negligent manner which causes or reasonably could cause personal injury or property damage, including damage to public property.

h. No parent, guardian, or other person having the legal care and custody of any minor under the age of seventeen (17) years shall allow, permit or encourage any such minor to violate the provisions of this ordinance.

i. The Village Council may, in accordance with adopted rules and ordinances, grant temporary exceptions to the prohibitions of this ordinance for special events.

Section 3. Enforcement.

a. A person who violates this ordinance is responsible for a municipal civil infraction. To the extent permitted by law, the civil penalties for violating this ordinance may include, without limitation, ejection of any person from the above-described areas and impoundment as evidence of the vehicle or device(s) used in violation of this ordinance pending prosecution of the civil violation. They may also include an assessment or requirement to pay the owner of the property, including the Village, for the costs of repairing or replacing any damaged property.

b. Upon admission or determination of responsibility for a violation, the person responsible shall be assessed the following fines: \$25 for a first violation; \$50 for a second violation; and \$300 for a third or subsequent violation.

c. If a civil fine ordered, the judge or magistrate shall also summarily tax and impose as costs all expenses, direct and indirect, to which the Village has been put in connection with the prosecution of the civil infraction up to a maximum of \$500.

Section 4. Validity and Severability. If any provision of this ordinance is for any reason held to be void, ineffective or unconstitutional, such invalidity shall not affect the remaining portions of this ordinance.

Section 5. Repealer; Pending Proceedings. Ordinance No. 1-8-98-A is repealed; provided, however that all proceedings pending and all rights and liabilities existing at the time this ordinance takes effect are saved and may be consummated or continued according to the law in force when they were commenced. No prosecution initiated prior to the effective date of this ordinance or initiated after the effective date of this ordinance for an offense committed prior to the effective date shall be affected by this ordinance.

Section 6. Publication. The Village Clerk shall publish a summary of this ordinance in the manner provided by law and shall at the same time publish a supplementary notice setting forth the purpose of the Michigan Vehicle Code and Uniform Traffic Code and the fact that a complete copy of the Michigan Vehicle Code and Uniform Traffic Code are available at the Office of the Village Clerk for inspection by the public at all times.

Section 7. Effective Date. This ordinance shall become effective twenty (20) days after its adoption or upon its publication in a newspaper of general circulation within the Village, whichever occurs later.

Yeas: Seaton, Coll, Kenyon, Wheeler, Bracy, Dunham

Nays: none

Abstain: none

Absent: Wolff

Approved: January 22, 2004.

CERTIFICATION

I certify that this ordinance was adopted at a regular meeting of the Nashville Village Council held on January 22, 2004.

Cathy Lentz, Village Clerk

Introduced: December 11, 2003

Adopted: January 22, 2004

Published: January 27, 2004

Effective: February 11, 2004