

## SKATEBOARDING

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### 1. PURPOSE AND INTENT

The purpose and intent of this local law of the Town of Lake Luzerne is to protect the public health, welfare, safety, peace and tranquility of the residents and visitors of the Town of Lake Luzerne. The Town Board of the Town of Lake Luzerne finds an increasing number of persons, especially young people, are using SKATEBOARDS OR RAZOR SCOOTERS on the streets, sidewalks, and other public places within the Town of Lake Luzerne. Many of the people using such SKATEBOARDS OR RAZOR SCOOTERS have interfered with the peace and tranquility of the residents and visitors of the Town of Lake Luzerne, creating a public nuisance and threat to the safety of residents and visitors lawfully walking on the public streets, sidewalks, and parks. This law is designed to protect such persons.

### 2. DEFINITIONS

For the purpose of this local law only, SKATEBOARD OR RAZOR SCOOTER shall be interpreted and defined as a narrow board of wood, plastic, fiberglass or similar material, with or without a raised handle for steering, with roller-skate or other types of wheels attached to each end and used for gliding or moving on any hard surfaces, without a mechanism or other device for steering while being used, operated or ridden.

### 3. PROHIBITED ACTS

No person shall ride or propel any SKATEBOARD OR RAZOR SCOOTER on any streets, highways, sidewalks, public paths, parking lots, tennis courts, basketball courts or other public place, or within any public building, within the Town of Lake Luzerne (except upon approval of the Town Board for special events at specific locations).

### 4. PARENTAL RESPONSIBILITY; POLICE AND PEACE AUTHORITY; EFFECT ON OTHER PROVISIONS.

- a. It is a violation for any person to do any act or fail to perform any act required by this chapter.
- b. The parent of any child and the guardian of any ward shall not authorize or knowingly permit such child or ward to violate any of the provisions of this chapter.
- c. Any police officer who issues an appearance ticket and/or other accusatory instrument to any person alleged to be in violation of this local law shall be authorized to confiscate such SKATEBOARD OR RAZOR SCOOTER as evidence pending prosecution hereunder.

- d. If the SKATEBOARD OR RAZOR SCOOTER has been confiscated by a peace officer or police officer as set forth herein, the owner thereof may demand a hearing for the return of such SKATEBOARD OR RAZOR SCOOTER by making a written application to the court, provided such written application is made within five (5) days of the date such skateboard is confiscated. The court shall hold such hearing within five (5) business days of the date it receives the request thereof. The court can authorize the retention of the skateboard if it finds, by a preponderance of the evidence, the following:
- (i) Probable cause to believe that the person charged with the violation of this local law was operating such SKATEBOARD OR RAZOR SCOOTER in violation thereof; and
  - (ii) The SKATEBOARD OR RAZOR SCOOTER confiscated by the police officer or peace officer was the SKATEBOARD OR RAZOR SCOOTER used by the accused on the date and time charged.

5. **PENALTIES FOR OFFENSES**

- a. Every person violating any provisions of this local law shall be guilty of a violation upon conviction thereof, and shall be subject to a fine not to exceed \$250 for the first offense, and not more than \$500 for each offense thereafter.
- b. In addition to any other remedies or penalties that may be imposed, a violation of this chapter shall entitle the Town Board to undertake a remedy to repair any damage caused by the violation of any section or provision of this chapter, and the actual disbursements and expenses therefor, shall be added to the fine(s) set forth in this chapter. This provision shall be in addition to any other provisions, penalties or powers available to the Town for enforcement of this chapter.

6. **SEVERANCE**

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, or invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, word, section, or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

7. **EFFECTIVE DATE**

This law shall take effect on July 1, 2005.