

## ORDINANCE 08-01

### AN ORDINANCE ESTABLISHING RULES AND REGULATIONS RELATING TO SKATEBOARDING WITHIN THE CITY OF MANZANITA AND REPEALING SECTION 28 OF ORDINANCE 94-6

**WHEREAS**, State law is not clear as to whether or not a skateboard, roller blade or scooter is considered a vehicle for purposes of applying pedestrian or vehicle traffic laws; and

**WHEREAS**, the City of Manzanita wishes to establish rules and regulations relating to skateboarding within the City to ensure the safety of pedestrians, skateboarders and vehicular traffic; now therefore

#### THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

**Section 1. Definitions.** The following words and phrases, as used herein, shall have the following meanings:

- A. Commercial Zone. C-1 Zone as defined in City of Manzanita Ordinance 95-4
- B. Limited Commercial Zone. LC Zone as defined in City of Manzanita Ordinance 95-4.
- C. Residential Zone. R2, R3, R4, SR-R and RMD Zones as defined in City of Manzanita Ordinance 95-4.
- D. Highway. All areas within the right-of-way of U.S Highway 101.
- E. Minor. Any individual under the age of eighteen.
- F. Riding. The act of propelling a skateboard, roller blade, or scooter by means other than carrying it.
- G. Roller blade. Any device with wheels which are attached to or a part of any shoe or boot.
- H. Scooter. Any non-motorized device with wheels and handlebars, excluding bicycles, designed to be propelled by foot or other mechanical means.
- I. Sidewalk. Any paved walkway designed for pedestrian use.
- J. Skateboard. Any device with wheels attached to a surface, such surface being designed such that a person or persons may stand, sit or kneel upon it; and is propelled by foot or other mechanical means.
- K. Street. Any thoroughfare, other than a highway, including any alley.

**Section 2. Areas Prohibited.** No person shall ride a skateboard, roller blade, scooter or other similar device on any City basketball or tennis facilities or on any sidewalk, street, ramp, or public parking lot within the C-1 (Commercial) Zone or LC (Limited Commercial) Zone of the City or any private property unless specific and prior permission has been granted by the property owner.

**Section 3. Other Rules & Regulations.**

- A. Protective Headgear. In accordance with ORS 814.600 and 815.052, in addition to any other related State Statutes, a person commits the offense of failure of a skateboarder to wear protective headgear if the person is under 16 years of age, rides on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052

- B. Standing Position. Any person operating a skateboard, roller blade or scooter shall operate it only in a standing position while on streets or public rights-of- way.
- C. Yield Right-of-Way. Any person operating a skateboard, roller blade or scooter shall yield the right-of-way to any vehicle, bicycle or pedestrian including yielding the right-of-way to any vehicle when approaching or crossing a driveway and/or intersection.
- D. Operating on Right-Hand Side. While on a street, skateboards, roller blades and scooters shall be operated as close as practicable to the right-hand curb or edge of the roadway.
- E. Traffic Control Devices and Traffic Regulations. Any person operating a skateboard, roller blade or scooter shall obey the instruction of official traffic control signals, signs and other devices applicable to vehicles. The operation of a skateboard, roller blade or scooter on a street shall be subject to all of the provisions or laws of the State and the laws of the City, including those applicable to the drivers of vehicles, except as to the latter, those provisions that by their nature have no application.
- F. Careless Riding. No person shall ride a skateboard, roller blade or scooter in a manner that endangers or would be likely to endanger any person, including the rider, or property.
- G. After Dark. All persons operating a skateboard, roller blade or scooter between sunset and sunrise must be equipped with and use lighting equipment that has, at a minimum, a red reflector and lighting device or material of such size or characteristic and so mounted, carried or worn as to be visible from all distances up to three hundred feet (300') to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

**Section 4. Liability for Damage.** Any person operating a skateboard, roller blade or scooter that causes personal injury or that damages or causes to be damaged any property, whether publicly or privately owned, through the riding or operation of any such device shall be liable for such damage. The liability shall extend to the parents or legal guardians in the event of a minor being in violation of this Section. Section 4 does not apply to property owned by the operator or parent or legal guardian of operator.

**Section 5. Parental or Guardian Responsibility.**

- A. The parent, legal guardian or person with legal responsibility for the safety and welfare of a minor, hereinafter “supervisor,” shall have the legal responsibility for the actions of such minor which are in violation of any provision of this Ordinance occurring on public or private property.
- B. It shall be a defense to the charge of failure to supervise if:
  - 1. The offense occurred in the presence of the supervisor; and
  - 2. The supervisor took reasonable steps to control the action of the minor or reported the action to the appropriate authorities.
- C. In addition to any fine or penalty imposed pursuant to this Ordinance, the Court may order the supervisor to pay restitution to the victim, if any, of the minor’s unlawful conduct.
- D. If a violation of subsection A of this Section occurs where the minor is 11 years of age or younger, any citation shall be issued to the supervisor and not to the minor.

**Section 6. Penalties.**

- A. Impoundment. Skateboards, roller blades or scooters operated in violation of this Ordinance may be immediately impounded by any law enforcement official. The skateboard, roller blade or scooter may be picked up at the public safety office or other time and place of the officer's choosing. In the event a minor is involved, the skateboard, roller blade or scooter will not be returned to any individual other than the minor's parents or legal guardians.
- B. Fines. In addition to the above, a person found in violation of this Ordinance shall be subject to the following fines:
  - a. First Offense - \$25.00
  - b. Second Offense - \$50.00
  - c. Third Offense - \$100.00
  - d. Fourth Offense – Not to exceed \$500.00

**Section 8. Severability.** The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

**Section 9.** Section 28 of Ordinance 94-6 is hereby repealed.

~~Section 28. Skateboard and Skating Operating Rules. No person shall ride a skateboard, roller skates or rollerblades on any city basketball or tennis facilities or on any sidewalk, public street, walkway, pedestrian area or parking lot within the C-1 zone of the city. Skateboards, roller skates or rollerblades operated, parked or left in violation of this ordinance may be immediately impounded by the police department, in addition to a citation issued.~~

PASSED FIRST READING by the Council this 5<sup>th</sup> day of December, 2007.

PASSED SECOND READING by the Council this 9<sup>th</sup> day of January, 2008.

APPROVED by the Mayor this 9<sup>th</sup> day of January, 2008.

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Garry R. Bullard, Mayor

ATTEST:

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Jerald P. Taylor, City Manager/Recorder