

ARTICLE 18 SKATEBOARDS, ROLLERSKATES ORDINANCE

Article 18-1 Purpose

Whereas, the Select Board of the Town of Bennington have after investigation, determined that the use of skateboards, and roller skates, unrestricted, present a nuisance and a danger to persons using pedestrian paths, sidewalks and highways, that regulation is necessary to protect the health, safety, and welfare of the public;

Article 18-2 Authorization

By authority granted them by Section 1971 of Title 24 Vermont Statutes Annotated, municipalities are enabled to regulate activities of the public rights of way.

Article 18-3 Definitions

As used in this ordinance the following terms shall mean as follows:

- A. Skateboard shall mean any device constructed with wheels attached thereto, so designed, that a person or persons can attach or stand upon, and propel themselves.
- B. Roller Skates shall mean and include any shoe like devices with wheels affixed either in tandem or otherwise which can be worn on the feet and upon which a person can propel themselves
- C. Sidewalk shall include any area constructed or existing along and substantially parallel to highways, along rivers or streams, to or from buildings or parking lots, or connecting one or more streets, whether constructed of concrete, asphalt, gravel, stone, or delineated by painted lines, which are designed for primary use by pedestrians and are customarily used by pedestrians.
- D. Street, Highway or Roadway shall, when used to delineate an area, include the entire width of the right-of-way of said street.
- E. Downtown Area shall include all of the area bounded on the north by the Walloomsac River between Depot and Washington Avenue westerly, and Park Street, Valentine and Silver Street easterly, and bounded on the south by Elm Street, Hillside and Union Streets.

The downtown area described shall include but not be otherwise limited to the following streets:

Depot Street, from the Walloomsac River to Main Street.

Main Street, from Depot Street to Valentine Street.

North Street, from the Walloomsac River to Main Street.

Washington Avenue, from Elm Street to Main Street.

Franklin Lane, from Washington Street to South Street.

Elm Street from Washington Street to South Street.

South Street, from Main Street to Elm Street.
School Street, from the Walloomsac River to Main Street.
Park Street, from the Walloomsac River to Pleasant Street.
Pleasant Street, from North Street to Valentine Street.
Valentine Street, from Pleasant Street to Union Street.
Union Street, from Valentine Street to South Street.
Silver Street, from Main Street to Hillside Street.
Hillside Street, from Silver Street to South Street.

Article 18-4 Prohibitions

Within the downtown area and on the streets and sidewalks therein the following prohibitions shall apply;

- A. No person shall ride upon, or propel, a skateboard on any streets or sidewalks at any time.
- B. No person shall use roller skates on the sidewalks at any time.
- C. Any person using roller skates on the roadways shall yield to pedestrians and motor vehicle traffic and shall keep as close to the right side of the roadway as possible and shall otherwise operate according to the same rules and practices as provided under the law for bicycles, and shall operate with due regard for the safety of others.

Within all areas of the Town, under the jurisdiction of the Town of Bennington, the following prohibitions shall apply:

- D. Any person who shall use skateboards or roller skates, shall not pass any pedestrian, from any direction or otherwise approach them within six (6) feet while in motion.
- E. Any person who shall use skateboards or roller skates, shall do so with due regard for the safety of others and without conflict with pedestrians, bicycles, and motor vehicles.

18-5 Enforcement

A violation of the ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and 1977 ET. Seq. A civil penalty of \$75 shall be imposed for violation of this civil ordinance and a waiver fee is set at \$50.

18-6 Severability

This ordinance and the various parts, sentences, sections and clauses thereof, are hereby declared to be severable. If any part, sentence or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

18-7 Effective Date

This ordinance shall take effect sixty (60) days from date of adoption by the Select Board.

On Tuesday, November 28, 1995. The Select Board voted unanimously to repeal the following General Municipal Ordinances contained in Article 1:

- 1- 5.00 Cable Television
- 1- 8.00 Dead Storage in Public Parking Lot
- 1-11.00 False Fire Arms
- 1-12.00 Game Playing on Streets
- 1-16.00 Loitering
- 1-23.00 Posters
- 1-25.00 Sled Sliding
- 1-30.00 Discharge of Firearms
- 1-31.00 Skateboard, Roller Skates

The Select Board also voted unanimously to adopt the following Municipal Ordinances:

Article 12 Dead Storage in Public Parking Lots and on Public Lands

Article 13 Discharge of Fire Arms

Article 17 Improper Use of Public Way

Article 18 Skateboard, Roller Skates

This action is taken by the Select Board for the Town of Bennington and shall be printed in full in the minutes of the Select Board, posted in five (5) conspicuous places within the Town of Bennington and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption subject to the right of petition provided by law.

