

TOWN OF FAIR HAVEN, VERMONT
ORDINANCE REGULATING SKATEBOARDS
#96-049

AN ORDINANCE PROHIBITING THE USE OF SKATEBOARDS ON MUNICIPAL SIDEWALKS, ROADWAYS AND ALL PUBLIC PROPERTY IN THE DOWNTOWN AREA; PROVIDING DEFINITIONS; PARENT/GUARDIAN RESPONSIBILITIES; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

Section 1. Authority.

Pursuant to Title 24 V.S.A. Sections 1971(a) and 2291(1)(14)(15), the Select Board of the Town of Fair Haven, hereby adopt the following ordinance to prohibit skateboarding on sidewalks, roadways and all public property within the downtown area of the Town of Fair Haven, Vermont. This ordinance is designated as a civil ordinance pursuant to Title 24 V.S.A. Section 1971(b).

Section 2. Intent and Purpose.

The Select Board of Fair Haven finds and declares that:

- (a) The intrusion of skateboarding on sidewalks, roadways and public property is causing annoyance to citizens in the downtown business and residential areas in the Town of Fair Haven, Vermont.
- (b) The provisions and prohibitions hereinafter contained in the Ordinance are enacted to prevent skateboarding from causing a public nuisance and for the safety and welfare of the Town's citizens.

Section 3. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- (a) "Skateboard" shall mean a narrow board about two feet long mounted on wheels or any device comparable in description.
- (b) "Sidewalk" shall mean a path or pavement at the side of the street, for the use of pedestrians.
- (c) "Roadway" shall mean a road or highway, to include that part which vehicles pass over and either side of the road.
- (d) "Public property" shall mean all right-of ways and lands owned by the Town of Fair Haven.
- (e) "Right-of-way" shall mean the legal right of passage by the Town of Fair Haven over another person's land.

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(f) "Downtown Area" shall mean all property, sidewalks and roadways contained within a line starting at the Fair Haven Grade School south boundary running easterly to Cottage Street, thence along the east side of Cottage Street to the south side of River Street; thence west along the south side of River Street; thence south along the east side of Main Street to a point where Route 4A and Route 22A meet across Main Street to the west side of Main Street; thence south along the east side of Main Street to the north side of Marble Street to the east side of Adams Street; thence north along Adams Street to South Park Place; thence west along the the south side of South Park Place to West Park Place; thence north along the west side of West Park Place to North Park Place; thence east along the north side of North Park Place to North Main Street; across North Main Street to the east side of North Main Street; thence north to the point of beginning.

Section 4. Use of Skateboards and Similar Devices.

It shall be unlawful for any person to ride upon or by means of any skateboard or similar device on sidewalks, roadways and public property within the downtown area of the Town of Fair Haven, Vermont.

Section 5. Responsibility of Parent(s) and Guardian(s).

The Parent(s) or Guardian(s) of any minor child shall not authorize or knowingly permit any such minor child to violate any of the provisions of this Ordinance.

Section 6. Enforcement.

The Law Enforcement Officers and Constables of the Town of Fair Haven shall be the chief enforcement and issuing officials of this ordinance.

Section 7. Penalties.

Any individual or Parent/Guardian of a minor child who is found to be in violation of any provisions of this Ordinance shall be subject to the following civil penalty:

First offense	\$25.00 and impounding of skateboard for 10 days.
Second offense	\$50.00 and impounding of skateboard for 30 days.

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Third and subsequent
offenses \$100.00 and impounding of skateboard
for 90 days.

Waiver fines shall be one half the specified penalty.

Section 8. Publication and Posting.

This ordinance shall be posted in five conspicuous places in town, published in the local newspaper on April 15, 1996 and shall be filed with the Fair Haven Town Clerk on April 10, 1996.

Section 9. Effective Date.

This ordinance shall take effect 60 days from the date hereof, unless a petition pursuant to 24 V.S.A. 1973 is filed seeking a permissive referendum.

Adopted by the Board of Selectmen, Town of Fair Haven, Vermont, at the regularly scheduled meeting of April 9, 1996.

Ordinance was re-written to incorporate the amendment that was adopted by the Board of Selectmen on May 21, 1996.

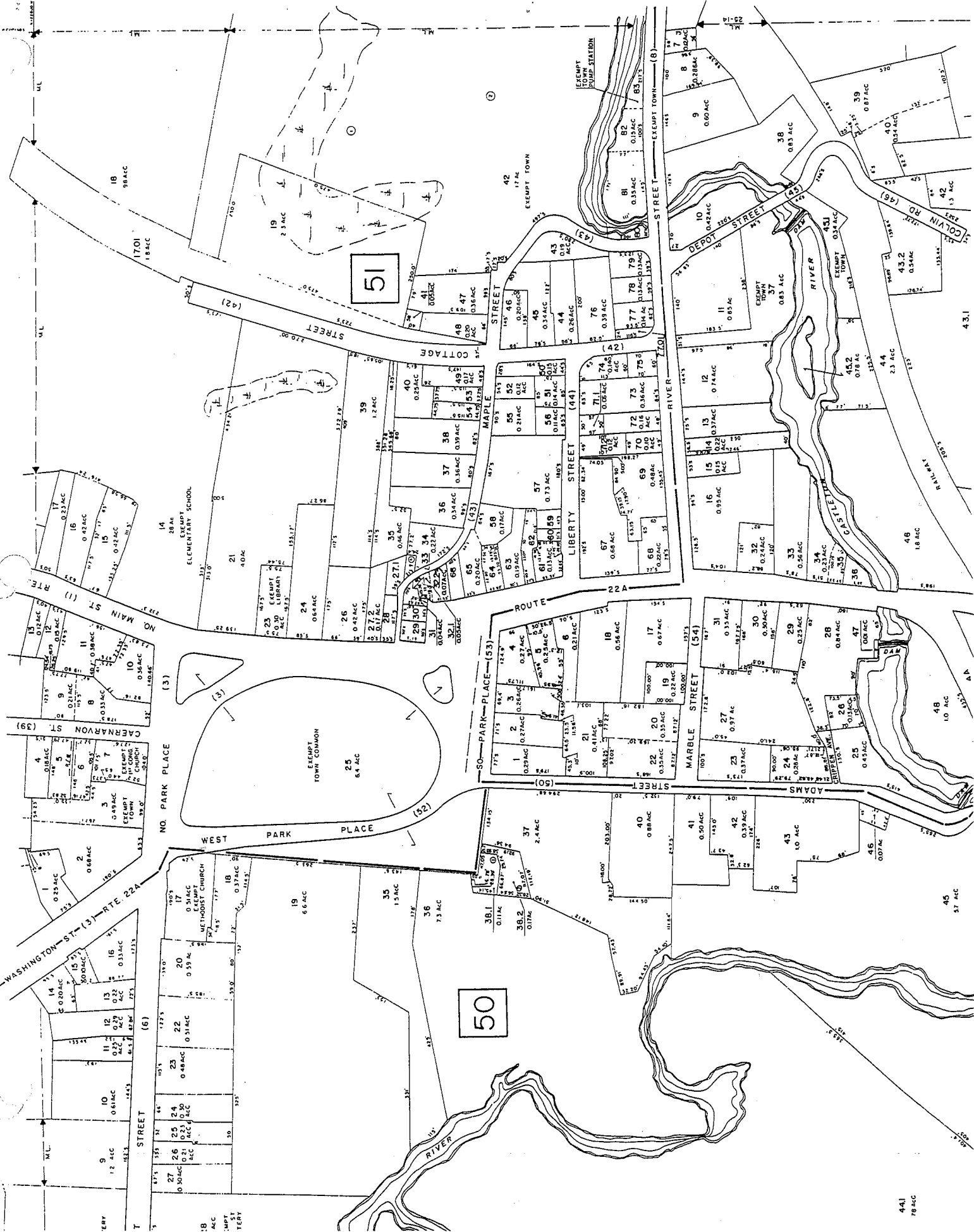
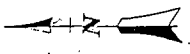
Effective date of ordinance with amendment is July 21, 1996.

BE IT ORDAINED BY THE SELECTMEN OF THE TOWN OF FAIR HAVEN AS
FOLLOWS:

That the Ordinance Regulating Skateboards adopted April 9, 1996,
be amended to prohibit skateboarding only on the sidewalks and
roadways in the Downtown Area as defined below.

Downtown Area shall mean all property, sidewalks and roadways
contained within a line starting at the Fair Haven Grade School
south boundary running easterly to Cottage Street, thence along
the east side of Cottage Street to the south side of River
Street; thence west along the south side of River Street; thence
south along the east side of Main Street to a point where Route
4A and Route 22A meet across Main Street to the west side of Main
Street; thence south along the east side of Main Street to the
north side of Marble Street to the east side of Adams Street;
thence north along Adams Street to South Park Place; thence west
along the South side of South Park Place to West Park Place;
thence north along the west side of West Park Place to North Park
Place; thence east along the north side of North Park Place to
North Main Street; across North Main Street to the east side of
North Park Place; thence north to the point of beginning.

Dated in Fair Haven, County of Rutland, State of Vermont this
21st day of May, 1996.



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