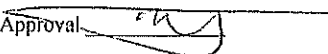


Legal Counsel Approval 

R.L 08-065

Intro. No. 008-24 as amended

Perm. No. 008-23



IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Dated: 4/21/2008

Sponsored by Councilmember(s): Kramer, Weslar, Collins, Massey, Renna, Webb

Introduced by Committee(s) on: Municipal and Public Affairs

ORDINANCE

entitled

AN ORDINANCE TO MODIFY CHAPTER 355-6 IN
THE CODE OF THE CITY OF BINGHAMTON

WHEREAS, the Code of the City of Binghamton § 355-6 *Coasting on streets and sidewalks* subsection A, *Regulated*, prohibits the use of skateboards “upon any public sidewalks within the City... [and] upon any public street of the City, except upon such streets as may be designated by the Traffic Board;” and

WHEREAS, the Traffic Board has recommended that skateboarding be permitted on City Streets except in the downtown area, and on the river trails; and

WHEREAS, the Council wishes to amend § 355-6 to further clarify the permitted uses of skateboards and other forms of “coasting” in the City.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. “That § 355-6 *Coasting on streets and sidewalks* of the Code of the City of Binghamton, New York, is hereby deleted in its entirety and replaced as set forth in the attached Revised § 355-6, *Skateboarding and coasting on streets and sidewalks*.

Section 2. That this ordinance shall take effect on May 1, 2008.

Revised § 355-6, *Skateboarding and coasting on streets and sidewalks*

§ 355-6. Skateboarding and coasting on streets and sidewalks.

A. Preamble. Public sidewalks and streets are for the benefit of all residents. There must be a balance among pedestrians, motor vehicles, bicycles, and, less traditional forms of transportation and recreation such as skateboards, and coasting, *e.g.*, the use of scooters and rollerblades. To achieve this balance, the City of Binghamton wishes to prohibit skateboarding in the “downtown area” and to limit coasting as may be determined by the Traffic Board. Safety is the primary concern regarding use of public streets and sidewalks. Just as operators of motor vehicles and bicycles are responsible for their safety and the safety of others, skateboards and other coasting equipment must be used in a safe and responsible manner.

B. Definitions.

As used in this section, the following terms shall have the meanings indicated:

COASTING - The use of any equipment, such as scooters, rollerblades or other non-motorized vehicles upon wheels or runners, excluding skateboards, for transportation or recreation.

RECREATION - Performing acrobatic stunts such as grinding, jumping obstacles larger than 12”, or any activity where some surface of the skateboard (other than wheels) is made to come in contact with an object (other than the feet or hands of rider).

SKATEBOARD - A device for riding upon, usually while standing or sitting, consisting generally of an oblong piece of wood or other materials mounted on skate wheels and propelled solely by the force of its rider. The definition of the term “skateboard” shall not be construed to include bicycles, roller skates, roller blades, wheelchairs or any other device intended to be used to provide transportation for any disabled person.

C. Use of skateboards prohibited in certain areas.

1. It shall be unlawful to operate skateboards in any manner in public parking garages and ramps within the Binghamton city limits.
2. It shall be unlawful to operate skateboards in any manner on any private property in the City of Binghamton, unless specifically allowed by property owner.
3. It shall be unlawful to operate skateboards on the property of Binghamton University’s Downtown Center and anywhere on Governmental Plaza property.
4. It shall be unlawful to operate skateboards for any purpose on any sidewalks and streets specified by the Binghamton Traffic Board. The Traffic Board has prohibited skateboarding on the sidewalks and streets bounded as follows: Starting at the E. Clinton Street Bridge, east to Washington Street then north to Lewis Street, east to Fayette Street then south to Henry Street, west to Carroll Street then south to Susquehanna Street, west to Exchange Street then south to

the Susquehanna River, west to the confluence with the Chenango River, and north to the E. Clinton Street Bridge. Skateboarding for transportation is permitted on the sidewalks and streets forming this boundary, *e.g.* Washington Street, Lewis Street, Fayette Street, Henry Street, Carroll Street, Susquehanna Street, and Exchange Street; and the Binghamton River Trail.

D. Use of skateboards for recreational purposes limited.

It shall be unlawful to operate skateboards on streets, sidewalks or other public property in any manner for the purpose of recreation within the City of Binghamton, except in any skateboard parks, other areas specifically designated by the Traffic Board of the City of Binghamton (*e.g.*, areas with signs designating it a Free Skate/BMX Zone) for recreational skateboard purposes, and block parties where permission has been granted by City Clerk.

E. Conditions for use of skateboards as transportation.

The operation of skateboards for the purpose of transportation only is permitted on any street, sidewalk, the Binghamton River Trail, or in any park, excluding those areas specifically prohibited in this chapter, see the No Skateboard Zone defined above, under the following conditions:

1. Skateboards may be operated upon the public roadways subject to New York State Vehicle and Traffic Law Article 34, and upon sidewalks and in bicycle lanes within the city limits, where not otherwise prohibited by ordinance, law or regulation.
2. The operator of a skateboard, when operated on the sidewalks within the city limits, shall maintain a safe speed (maximum speed should be the equivalent of a brisk walk or slow jog), will maintain a reasonable distance from pedestrians, and will avoid creating situations that make it unsafe for either the skateboard operator or pedestrians.
3. No person riding upon any skateboard shall attach the same or him/herself to any vehicle being operated on a roadway.
4. Upon all roadways, any skateboards shall be operated on a usable bicycle lane or, if a usable bicycle lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic, except when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a person on a skateboard and a vehicle to travel safely side-by-side within the lane. When preparing for a turn, operator must utilize existing crosswalks.
5. Persons riding upon a roadway shall not ride more than two abreast. Persons riding upon a shoulder or a bicycle lane or bicycle path intended for the use of bicycles may ride two or more abreast if sufficient space is available, except that when passing a vehicle, a bicycle or a person on in-line skates, another skateboarder or a pedestrian standing or proceeding along such

shoulder, lane or path, persons riding skateboards shall ride single file. Persons riding skateboards upon a roadway shall ride single file when being overtaken by a vehicle.

6. No person shall skate or glide on a skateboard on a roadway during the period of time between 1/2 hour after sunset and 1/2 hour before sunrise, unless such person is wearing readily visible reflective clothing or material which is of light or bright color.

F. Coasting. Coasting is permitted on any street, sidewalk, the Binghamton River Trail, or in any park unless prohibited by order of the Traffic Board. Coasting is prohibited on the sidewalk and streets bounded as follows: Starting on the E. Clinton Street Bridge, east to Washington Street then north to Lewis Street, east to Fayette Street then south to Henry Street, west to Carroll Street then south to Susquehanna Street, west to Exchange Street then south to the Susquehanna River, west to the confluence with the Chenango River, and north to the E. Clinton Street Bridge. Coasting is permitted on the sidewalks and streets forming this boundary, *e.g.* Washington Street, Lewis Street, Fayette Street, Henry Street, Carroll Street, Susquehanna Street, and Exchange Street.

G. Safety. City streets and sidewalks are not designed for skateboards and coasting. Moreover, conditions may change from day to day or hour to hour. It is the responsibility each person using a skateboard or coasting or the parent of a minor, to (i) inspect and confirm that conditions are appropriate for such use; (ii) comply with all manufacturers' recommended safety wear, including helmets, if applicable; and (iii) comply with all traffic signs, traffic control devices and directions from a police officer. Nothing herein shall be deemed to amend the notice requirements of General Municipal Law § 50-g.

H. Penalties for offenses.

1. Violation of any of the provisions of this chapter, if committed by a person 16 years of age or older, shall be punished as follows:

(a) First offense: any person convicted of a violation of this chapter shall be punished by a fine of \$25 (to include all costs and assessments). The court may authorize community service in lieu of all or part of this fine.

(b) Second offense: any person convicted of a violation of this chapter shall be punished by a fine of \$50 (to include all costs and assessments). The court may authorize community service in lieu of all or part of this fine.

(c) Third or subsequent offense. Any person who violates this chapter a third or more times within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not less than \$100 nor more than \$250. The court may authorize community service in lieu of all or part of the fine.

2. Violation of any of the provisions of this chapter, if committed by a person less than 16 years of age shall result in the confiscation of person's skateboard and a written warning with a copy of the same being sent to such person's parents or guardian.

I. Enforcement. It shall be the duty of the City of Binghamton Police Department to enforce the provisions of this chapter. Additionally, any peace officer shall have authority to enforce the provisions of this chapter.

J. Discontinuance of skateboarding and coasting during emergency. If a state of emergency is declared by the Mayor, skateboarding and coasting are prohibited.

No Skateboard Zone

