

ORDINANCE NO. 819

AN ORDINANCE OF THE TOWN OF OGDEN DUNES REGULATING USE AND OPERATION OF SKATEBOARDS ON MUNICIPAL PROPERTY

WHEREAS, Indiana Code 36-1-3, *et seq.* authorizes local governmental units to exercise such powers necessary or desirable in the conduct of its government affairs granted by statute, or otherwise, to effectively discharge duties and to undertake such actions, not inconsistent with state law, in operating and conducting affairs of local interest; and,

WHEREAS, Indiana Code § 36-9-2-7 allows the Town to regulate the use of public ways; and,

WHEREAS, the use of skateboards on municipally owned and controlled roads, streets, and thoroughfares within the Town of Ogden Dunes presents traffic hazards and endangers the lives, health and property of the citizens of Ogden Dunes, Indiana.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OGDEN DUNES, INDIANA THAT:

SECTION 1: There shall be added to Chapter 71 of the Ogden Dunes Town Code the following section 71.09 - Skateboard Regulations which shall read as follows:

§ 71.09 SKATEBOARD REGULATIONS

PURPOSE

The purpose of the ordinance is to protect the public health and welfare by regulating the use of skateboards and scooters within the Town of Ogden Dunes. Due to the nature of the geography and topography of the community skateboarding and the use of scooters can become a dangerous activity when conducted on streets, roads, and in public areas in a reckless or hazardous manner.

DEFINITIONS

As these words appear in this section, the following definitions apply:

- A. "Skateboard" means a single platform, which is mounted upon wheels, having no mechanism or other device with which to steer or control the direction of movement thereof while being ridden, used, or operated. For the purposes of this section, the term skateboard shall also include street luge, roller skates, in-line roller blades, blades, roller skis, scooters, or any similar device.

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- B. "Scooter" means a foot operated vehicle consisting of a footboard mounted between two tandem wheels with an upright steering handle attached to the front wheel.
- C. "Propel" means a shoe with a set of wheels attached for skating over a hard surface. For the purposes of this section, the term roller skate shall also include in-line roller blades, blades, and roller skis.

REGULATIONS

The following regulations shall apply to the operation of a skateboard, as defined in this section, on a public road or other public property within the Town:

- A. Yield Right-of-Way: Any person operating a skateboard shall yield the right-of-way to any vehicle, such as a motor vehicle, golf cart, or bicycle, which shall include yielding the right-of-way to any vehicle when approaching or crossing a driveway, and shall yield the right-of-way to any pedestrian.
- B. Operating on Right-Hand Side: While on any road within the Town, any person riding a skateboard shall ride as close as practical to the right-hand edge of the roadway.
- C. Single File: No person shall ride a skateboard on any road within the Town boundaries alongside another person riding a skateboard, bicycle, or motor vehicle, unless passing such skateboard, bicycle, or motor vehicle.
- D. Traffic Control Devices: Any person operating a skateboard shall obey the instructions of official traffic control signals, signs, and other control devices applicable to motor vehicles.
- E. Traffic Regulations: The operation of a skateboard on a road shall be subject to all of the laws of the State and the laws and ordinances of the Town, including those applicable to the operation of motor vehicles, except for licensing provisions and other provisions which by their very nature do not apply.
- F. Hitching on Vehicles: No person while operating a skateboard shall in any way attach themselves or the skateboard to any motor vehicle.
- G. Operation after Dark: No person shall operate, or cause to be operated, any skateboard upon any road within the Town between dusk and dawn, unless wearing reflective clothing or illuminating devices on the front-facing and rear-facing sides of their body.

- H. Careless Riding: No person shall ride a skateboard in a reckless or hazardous fashion that endangers or would be likely to endanger any person or property or in a manner creating interference with pedestrian or vehicular traffic.
- I. Where Riding is Not Prohibited: Due to the steep terrain, blind intersections, and limited visibility on the public roads in the Town operation of a skateboard is prohibited within the boundaries of the Town with the following exceptions:
1. Hillcrest Road from the Town entrance to Ogden Road.
 2. Diana Road from Hillcrest Road to Sunset Trail.
 3. Ski Hill Road from Diana Road to Woodland Trail.

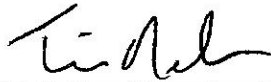
SECTION 2: There shall be added to Chapter 71, Section 71.99 of the Ogden Dunes Town Code the following subsection:

(G) Any person violating the provisions of § 71.09 shall be subject to a citation and fine of \$50 to be paid to the Clerk-Treasurer at 115 Hillcrest Road, Ogden Dunes, Indiana, 46368. If that fine is not paid within five days of the issuance of the citation, the fine shall increase to \$100 for such violation. If that \$100 fine is not paid within thirty (30) days of the issuance of the citation, the person shall be subject to legal action being taken by the Town Attorney, with a maximum fine of up to \$2,500, as specified in § 70.99.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED this 5th, day of JUNE, 2017.

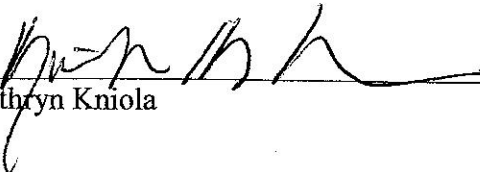
OGDEN DUNES TOWN COUNCIL




Tim Nelson, President



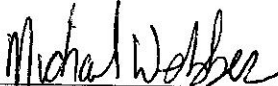
Nate Ball



Kathryn Kniola



Scott Lehmann



Michael Webber

ATTEST:



Jean Manna, Clerk Treasurer