ORDINANCE NO. 228

AN ORDINANCE REGULATING THE USE OF SKATEBOARDS, SPECIFYING VIOLATIONS AND PENALTIES THEREFOR, AND REPEALING ORDINANCE NO. 114, SECTION 14; AS AMENDED BY ORDINANCE NOS. 233 and 295

The City of Coos Bay Ordains as Follows:

Section 1. Definitions.

Downtown Area. That area within the City of Coos Bay zoned Central Commercial (C-1) pursuant to Coos Bay City Ordinance No. 93, as amended.

Negligent. A person is negligent when he or she fails to be aware of a substantial and unjustifiable risk that a result will occur or a circumstance exists.

Reckless. A person is reckless when he or she is aware of and consciously disregards a substantial and unjustifiable risk that a result will occur of a circumstance exists.

Recreational Street. Any street, or portion thereof, designated and posted to restrict traffic and permit recreational use.

Rollerskates. A pair of shoes with small wheels attached which are used for gliding on a paved surface. As used in this ordinance rollerskates includes in-line skates.

Sidewalk. Any paved walk for pedestrians. As used in this ordinance, sidewalk includes the City of Coos Bay facility known as "the Boardwalk."

Skateboard. A short board mounted on small wheels that is used for coasting and often for performing athletic stunts. As used in this ordinance, skateboard includes, coasters, toy vehicles, and other similar devices.

Street. Any thoroughfare. As used in this ordinance, "street" includes any alley.

[Amended by Ordinance No. 233, Section 1, enacted September 3, 1996.]

Section 2. Prohibited Acts.

(1) No person shall ride or use a skateboard or rollerskates on any street, other than a recreational street, except while crossing at a designated crosswalk. No person shall ride or use a skateboard in the downtown area or on any parking lot.
(2) No person shall ride on or use a skateboard or rollerskates in a negligent or reckless manner. All persons riding on or using a skateboard or rollerskates shall yield right-of-way to any pedestrian or motorized vehicle.

[Amended by Ordinance No. 233, Section 2, enacted September 3, 1996.]

(3) No person shall ride or use a skateboard or rollerskates on any street, plaza, parking lot or other private or public area where such street, plaza, parking lot or other area has been posted against the use of skateboards or rollerskates.

[Amended by Ordinance No. 295, Section 1, enacted July 18, 2000]

Section 3. Penalties.

(1) **Impoundment.** At the time any person is stopped and a citation issued for a violation of this ordinance, any skateboard used in the violation may be immediately seized and impounded as evidence by the officer issuing the citation.

(2) **Fines.** Upon first conviction for a violation of this ordinance, a fine shall be imposed, not to exceed $500.00; a mandatory minimum fine of $50.00 shall be imposed. Subsequent convictions shall be subject to enhanced penalties as provided by Section 3(C).

(3) **Repeat Offenders.** Any person convicted of a violation of this ordinance on successive occasions shall be subject to enhanced penalties. If a person is convicted of a second offense within one year of his or her first conviction, then the fine imposed shall be an amount not less than twice the amount of the fine imposed upon the first conviction. If a person is convicted of a third offense at anytime thereafter, then the fine imposed shall be an amount not less than double the fine imposed for the second conviction, and the person's skateboard shall be forfeited.

Section 4. Severability.

The sections and subsections of this ordinance are severable. A determination by a court of competent jurisdiction that a particular section, subsection or particular

provision is invalid shall in no way affect the validity of the remaining sections, subsections or provisions.

Section 5. Repeal.

Coos Bay City Ordinance No. 114, Section 14, passed December 15, 1987 is hereby repealed.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 19th day of March, 1996.