

ORDINANCE NO. 1234

AN ORDINANCE OF THE BOROUGH OF SOMERSET
REGULATING THE USE OF COASTING VEHICLES

SECTION 1: SHORT TITLE.

The short title of this ordinance shall be "Coasting Vehicle Ordinance of the Borough of Somerset."

SECTION 2: PURPOSE.

It is the purpose of this ordinance to prohibit the use of all coasting vehicles on all public streets in the Borough of Somerset and on sidewalks, public parks and public parking lots in the Business District of the Borough of Somerset.

SECTION 3: DEFINITIONS:

For the purpose of this ordinance, the following terms shall have the meaning indicated:

BUSINESS DISTRICT - That area of the Borough of Somerset bounded by; Rosina Avenue, Catherine Street, Pleasant Avenue, and Church Street.

COASTING VEHICLE - Any self-propelled object of human travel having limited or no mechanism or other device with which to steer or control the direction of movement or speed thereof such as, but not limited to, skateboards, scooters, roller skates, and sleds, but not including bicycles, wheelchairs, or emergency medical apparatus.

STREET - Street shall including all public streets, highways, roads, avenues, lanes, alleyways, public parking lots, or public rights-of-way used for the passage and/or parking of motor vehicles. Street shall mean the area between the curbs or, if no curbs, that portion of the public right-of-way used for the passage of or parking of motor vehicles.

SECTION 4: PROHIBITED PLACES OF OPERATION.

- A. No person shall operate, or cause to be operated, any coasting vehicle on any public street within the Borough of Somerset.
- B. No person shall operate, or cause to be operated, any coasting vehicle on a sidewalk, in a public park or in public parking lots or areas designated for pedestrian traffic within the Business District of the Borough of Somerset.

SECTION 5: OPERATION IN RECKLESS MANNER PROHIBITED.

- A. No person shall operate, or cause to be operated, any coasting vehicle within the Borough of Somerset in a reckless or hazardous fashion or in a manner creating interference with pedestrian or vehicular traffic.
- B. No person shall operate, or cause to be operated, any coasting vehicle within the Borough of Somerset in a manner creating a danger to the operator, or person nearby.

SECTION 6: VIOLATIONS AND PENALTIES.

- A. Any police officer who shall observe any person using, operating or riding upon a coasting vehicle in violation of this ordinance shall confiscate the coasting vehicle.
- B. Any person found to have violated this ordinance shall be guilty of a summary offense and upon conviction, be liable for the following fines and penalties:

FIRST OFFENSE: Confiscation of the coasting vehicle for a period of seven (7) days and a fine not exceeding twenty-five (\$25.00), or both. The vehicle shall be returned to the operator, or if the operator is under legal age, the vehicle shall be returned to the parent or legal guardian of the operator.

SECOND OFFENSE: Forfeiture of the coasting vehicle and a fine not exceeding fifty dollars (\$50.00), or both.

THIRD OFFENSE: Forfeiture of the coasting vehicle and a fine not exceeding one hundred (\$100.00) dollars, or both.

SUBSEQUENT OFFENSE: Forfeiture of the coasting vehicle and a fine of three hundred (\$300.00) dollars, or both.

Forfeited coasting vehicles shall be destroyed by the Borough of Somerset after a period of three (3) months from the date of forfeiture.

A District Magistrate having jurisdiction may order community service to be performed in lieu of fine imposed.

- C. Any parent or guardian who knowingly permits his/her minor child or ward to violate any of the provisions of this ordinance shall, upon summary conviction before the District Magistrate, pay a fine of one hundred (\$100.00) dollars for each such violation.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect immediately.

ENACTED AND ORDAINED this 12th day of June 1990 by the Borough Council of the Borough of Somerset.

ATTEST:

Machilda Brown
Borough Secretary

BOROUGH OF SOMERSET

By [Signature]
President of Council

APPROVED this ____ day of June, 1990.

Mayor

The above ordinance was returned by the Mayor at the Council meeting held July 9, 1990 with a veto message (attached hereto.) Council reconsidered the ordinance and by a vote of 6-1 passed it over the veto of the Mayor. The ordinance becomes in full force and effect as if it had received the approval of the Mayor.

Machilda Brown
Borough Secretary

This is to certify that the above is a true and correct copy of an ordinance adopted the 9th day of July, 1990 and advertised in the Somerset Daily American on June 14, 1990; recorded in Minute Book "CC" page number 65.

Machilda Brown
Secretary

*Torn between two lovers,
feeling like a fool...*

As this phrase from a song goes, so goes the emotions of the Mayor regarding the new "Coasting Vehicle Ordinance"

On the one hand the senseless and wanton destruction of public and private property by individuals using skateboards has been tragic and costly. Also, the threatening and abusive acts, language, and gestures is deplorable.

On the other side creating rules and legislation that restrict the freedoms usually conducive to small communities is unacceptable. The analogy is akin to the a whole class of students who lose all privileges because of a small segment of the pupils.

We have extrapolated from skateboards to all coasting vehicles - roller skates, scooters, sleds, and I presume wagons. Any object which has no mechanism to control direction or speed. May it be suggested that some of these vehicles are well under control; as a matter of fact too well directed. And may it also be said that some controlled vehicles, such as bicycles are under less control on our streets and have in fact been involved in collisions with cars - these of course are not part of the ordinance, nor should they be.

After you leave the downtown area many of the neighborhoods in fact are devoid of sidewalks and are sometimes lightly traveled.

One of the questions that arises is whether it is the vehicle or the individuals that are responsible (or irresponsible in this case). Creating an ordinance will less than assure any more maturity. These individuals will find other ways to be obnoxious and threatening.

The Police Department currently treats these offenses in the same fashion it treats disturbances of any other kind, skateboard in hand or otherwise, and can continue to do so. One has to be very careful to allow some discretion in handling matters - it is less than desirable to have too much control centered in one segment of our society (police) and usurp it from another (parents), even if some parents abdicate responsibility.

In summary, my feelings are that the ordinance is excessive in its application and implications. It is better, in my opinion, to protect the rights of individuals through the existing codes, or limit the usage of coasting vehicles in those areas which truly represent safety hazards; and to allow us to continue to operate as the decent, worthwhile, hometown type of community that Somerset is and can continue to be.

As has been mentioned in the media, I intend to veto the ordinance in its present form. The council then would have to override the veto by two-thirds majority. Since 6 of 7 council persons voted for the ordinance the first time, the only hope is to try to convince any of those people- most importantly 2 council people to change their votes. This can be done through either direct contact or letters to the individual council persons or a letter to the borough manager for the whole council which then will be distributed to them.

The veto will take effect on Monday, July 9, and the override vote will probably take place at the same meeting.

Vetoed Ordinance #1234
P. T. Singer
Mayor