

ORDINANCE NO. 344

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, REGULATING THE USE OF SKATEBOARDS WITHIN THE BOROUGH OF LEESPORT AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania and it is HEREBY ENACTED AND ORDAINED as follows:

SECTION 1. In accordance with the provisions of the Borough Code, 53 P.S. subsection 46202(4), (18), as amended, the Borough Council of the Borough of Leesport find that the riding and/or use of skateboards on public sidewalks and streets within the Borough may be dangerous to the public safety; and that such riding or use of skateboards on public sidewalks and streets may interfere with the safe vehicular travel of and may cause injury to pedestrians and others; and that continuance of such activities on streets and sidewalks may be inconsistent with the health, safety, convenience and general welfare of the Borough, its residents, citizens, inhabitants and businesses thereof. The Borough Council hereby declares the unsafe, hazardous, or careless use and/or operation of skateboards to be a public nuisance and herein establishes procedures for the abatement thereof and penalties for such activities.

SECTION 2. DEFINITIONS.

A "Skateboard" and/or "Skateboarding" shall mean to skate, ride, sit, stand or lie on any type of flat surface having affixed to it rollers or wheels.

"Unsafe", "hazardous", and "careless" shall be defined as riding, operating or otherwise utilizing skateboards on or about streets, sidewalks or curbs such as to create risk of injury or harm or death to persons or damage to property.

SECTION 3. PROHIBITION. The following activities shall be and are hereby declared to be prohibited as a public nuisance throughout the Borough of Leesport:

The riding, operating or other use of skateboards in an unsafe, hazardous or careless manner shall be prohibited at all locations within the corporate boundaries of the Borough of Leesport and is hereby declared to be a public nuisance.

SECTION 4. INJUNCTION. In the event any person should violate or act with intent to violate any provision of this Ordinance, the Borough Council of the Borough of Leesport, through its Solicitor, may institute legal proceedings seeking a declaratory, judgment that the violations complained of are public nuisances and request an injunction from the court restraining said violation(s). Said injunction may provide for judgment for costs expended and such other relief as the court may deem proper and/or necessary. Any defendant named in an action commenced under this Section shall receive written notice and shall have the right to a hearing prior to the issuance of an injunction. The court shall, when practicable, hold a hearing within three (3) days after demand by the Solicitor for the Borough Council of the Borough of Leesport. A written memorandum supporting the decree shall be filed.

SECTION 5. PENALTY. Any person who shall violate any provision of this Ordinance or who shall fail to comply therewith shall be guilty of a summary offense, and upon conviction shall be subject to a fine not to exceed fifteen dollars (\$15.00) for the first offense and no more than sixty dollars (\$60.00) for each successive offense. The Borough Council of Leesport may, by resolution, from time to time after the first full year that the Ordinance is in effect, establish new fines for the violation hereof. Upon default of the payment of the fine or penalty imposed and costs, the defendant may be sentenced and committed to Berks County Prison for a period not to exceed thirty (30) days.

SECTION 6. SEVERABILITY. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, unconstitutional and/or void, such decision shall not affect the validity of this Ordinance as a whole or any part thereof. It is the intention of the Borough Council of the Borough of Leesport that the remainder of such Ordinance would have been adopted as though such invalid section, paragraph or subsection had not been enacted.

SECTION 7. REPEALER. All ordinances or parts of ordinances inconsistent herewith shall be and the same are hereby repealed but only insofar as they are in conflict and inconsistent with the provisions of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately.

SECTION 9. INTENTION TO MAKE PART OF CODE. It is the intention of the Borough Council of the Borough of Leesport, Berks County, Pennsylvania that this Ordinance shall be attached to and made a part of THE CODE OF ORDINANCES OF THE BOROUGH OF LEESPORT and the same is hereby made a part thereof.

ENACTED AND ORDAINED as an Ordinance of the Borough of Leesport, Berks County, Pennsylvania this 21st day of November 1990.

BOROUGH COUNCIL OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA

Lawrence C. Kohler

President of Council

Attest:

Sandra L. Weiser

Borough Secretary

APPROVED as an Ordinance of the Borough of Leesport, Berks County, Pennsylvania this 21st day of November, 1990.

Sandra L. Weiser

Mayor

Sandra L. Weiser, Secretary
Borough of Leesport