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SKATEBOARD

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PART II CITY CODE

Chapter 74 OFFENSES*

ARTICLE I. IN GENERAL

Sec. 74-6. Skateboarding.

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Sec. 74-6. Skateboarding.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central business district means that area bounded by and including the east sidewalk of Hunter Boulevard north to the north sidewalk of Oakland Avenue west to the north sidewalk of Willits Avenue west to the west sidewalk of Chester to the north sidewalk of Maple to the west sidewalk of Southfield Road, south to the south sidewalk of Merrill Street east to the west sidewalk of Bates Street south to the south sidewalk of Townsend Street east to the west sidewalk of Henrietta south to the south sidewalk of Brown Street east to the east sidewalk of Hunter Boulevard.

Parking structure means any public structure designed for the parking of motor vehicles.

Pedestrian means a person on foot or on *skateboard*, excluding a person on foot walking a bicycle or moped.

Plaza means that open space area between the main entrance to a building and the street.

Sidewalk means that portion of a highway designed or ordinarily used for pedestrian travel.

Skateboard means a single platform mounted on wheels, which is propelled solely by human power and which has no mechanism or other device with which to steer or to control the movement or direction of the platform.

(b) Skateboarding shall be prohibited upon any sidewalk in the central business district. Skateboarding shall be permitted on all other sidewalks within the city.

(c) Notwithstanding their status as pedestrians, *skateboard* operators on sidewalks shall yield the right-of-way to all vehicular and to all other pedestrian (nonskateboard) traffic upon the sidewalk.

(d) No more than one person shall operate or ride on a *skateboard* at one time.

(e) No *skateboard* shall be operated on the city hall plaza or the library plaza or in any parking structure.

(f) A person who violates this section is subject to the penalties prescribed in section 1-9 of this Code. In addition to any penalty prescribed in section 1-9 of this Code, a police officer or other law enforcement agent may confiscate the *skateboard* and obtain the person's name, address, telephone number and age. A *skateboard* confiscated under this subsection shall be returned to persons 17 years of age or older, not earlier than 24 hours after the violation, upon their appearance at the Birmingham Police Department and the execution of a declaration of ownership. Skateboards confiscated from those persons under the age of 17 shall be returned, not earlier than 24 hours after the violation, to the persons' parent or guardian upon their appearance at the Birmingham Police Department and the execution of a

declaration of ownership. If a *skateboard* is confiscated under this subsection from a person other than the owner of the *skateboard*, the *skateboard* shall be returned, not earlier than 24 hours after the violation, to the owner or the parent or guardian of the owner, if the owner is under 17 years of age, upon the appearance of the owner or the parent or guardian of the owner at the Birmingham Police Department and the execution of a declaration of ownership.

(Code 1963, §§ 10.110, 10.111; Ord. No. 1320, 11-25-85; Ord. No. 1625, 5-13-96)

Sec. 74-7. In-line skating.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

In-line skates means skates propelled solely by human power by means of wheels which are attached in a straight line to the bottom of the boots of the skates.

Parking structure means any public structure designed for the parking of motor vehicles.

Pedestrian means a person on foot, on in-line skates or on a *skateboard* excluding a person on foot walking a bicycle or moped.

Sidewalk elevation means the line, grade, slope and specifications established by the city engineer for the construction or repair of any sidewalk.

(b) Notwithstanding their status as pedestrians, in-line skaters operating on sidewalks shall yield the right-of-way to all vehicular traffic and to all other pedestrian (non-in-line skating) traffic upon the sidewalk.

(c) In-line skating shall be prohibited on any surface that deviates from the adjacent sidewalk elevation, including but not limited to ramps, steps, retention walls, handrails, planters, curb or gutter edges, barriers and barricades, benches and picnic tables, monument or sculpture surfaces located on all property owned or operated by the city.

(d) In-line skating shall be prohibited in all parking decks and inside all buildings owned or operated by the city.

(e) Any person in-line skating on any sidewalk, street or other place open to the general public, including any area designated for the parking of vehicles, in a careless or negligent manner, likely to endanger any person or property shall be in violation of this section.

(f) A violation of this section is a civil infraction subject to a fine of not more than \$25.00 for the first offense, \$50.00 for the second offense, the \$100.00 for the third offense and each offense thereafter committed.

(Ord. No. 1628, 9-16-96)

