

Town of Badin Ordinance 12-3

AN ORDINANCE REGULATING THE USE OF NON-MOTORIZED RECREATION VEHICLES AND SKATEBOARDS IN THE TOWN OF BADIN

Section 1. Declaration and Policy Statements

This Ordinance is adopted in the interest of public safety. The Town, by regulating such operation is merely addressing safety issues. This Ordinance is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this Ordinance. All persons operating non-motorized recreation vehicles or skateboards must be observant of, and attentive to the safety of themselves and others, including their passengers, motorists, bicyclists, and pedestrians.

All persons who operate or ride non-motorized recreation vehicles or skateboards on streets inside the Town of Badin do so at their own risk and peril. The Town of Badin has no liability under any theory of liability, regarding the use of non-motorized vehicles.

Section 2. Definitions and Terms

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

A Non-motorized recreation vehicle is a vehicle used in certain hazardous recreational activities such as skateboarding or freestyle bicycling. For the purposes of this ordinance, non-motorized recreation vehicles include, but are not limited to; skateboards, freestyle bicycles, scooters, wagons, coasters, roller skates, roller blades, sleds, soap box cars and any other contraption fitting a description similar to the aforementioned items.

Section 3. Rules and Regulations

Non-motorized recreation vehicles are hereby regulated in accordance with the following rules and guidelines. Careless and reckless behavior on any public property, street, alley or way is prohibited. Any person who persists in operating a non-motorized vehicle within the incorporated limits of the Town of Badin takes full responsibility for all liability associated with its operation and is subject to legal enforcement.

1. Use of non-motorized recreation vehicles on streets is expressly prohibited from dusk to dawn without reflective safety equipment.
2. Any person participating in a hazardous recreational activity when operating a non-motorized recreation vehicle in a town park is required to be wearing a helmet professionally intended for recreational safety, elbow pads and knee pads.
3. Non-motorized recreation vehicles may not be driven or otherwise operated on N.C. HWY 740 in the Town of Badin.

4. Any person who operates a non-motorized recreation vehicle in the Town of Badin must adhere to all applicable State laws, concerning the possession and use of alcoholic beverages, and all other illegal drugs, as well as all traffic and other State laws.
5. Non-motorized recreation vehicles must yield the right-of-way to any and all overtaking vehicles, at all times.
6. Non-motorized recreation vehicles are prohibited from operation on the sidewalks on the West side of Roosevelt Street in the General Business District (G-B), and the North side of Falls Road in the Central Business District (C-B) within the incorporated limits of the Town of Badin.
7. Town owned and other real property and parcels where use of non-motorized recreation vehicles is prohibited includes, but is not limited to:
 - a. Badin Town Hall, Badin Police Department, Badin Public Works facilities, Vann Memorial Library, Vann Memorial Gazebo, Josephine Nelson Memorial Park, Badin Historic Museum, Badin Fire House Museum and Badin Quadruplex Museum.
8. It shall be unlawful for any person riding a bicycle, sled, roller skates, skateboard or any non-motorized vehicle to attach it or himself/herself to a vehicle which is in motion on a street or any public property.
9. Any act constituting a violation of this Ordinance or failure to comply with any of its requirements shall subject the offenders to civil penalty of fifty dollars (\$50.00), plus any court costs and attorney fees incurred by the Town.

Offenders who fail to pay the penalty within ten (10) days of receiving final written notice of violation may incur additional fines in the amount of \$50 to be issued as often as daily and the penalty may be recovered at any time by the Town in a civil action in the nature of debt.

Violations by individuals younger than 18 years of age will result in the issuance of said fines against the offender's parental or legal guardian.

10. The above fees and requirements may be waived for a temporary time frame (up to five days) by the Badin Police Chief and/or the Town Manager for events being held within the Town of Badin.