

Local Law 1 of 1992 and Local Law 1 of 1997 combined--which regulates the use of skateboards, bicycles, roller skates and roller blades.

**ARTICLE I            PURPOSE**

The purpose of this local law is to insure, maintain and regulate the preservation of the health, safety and general welfare of the residents and pedestrians and preservation of private property within the Village of Wellsville limits by controlling or prohibiting the use and operation of skateboards, bicycles, roller skates and roller blades in the Village.

**ARTICLE II            AUTHORITY**

Village Law 4-412 and Village Law Article 6.

**ARTICLE III            DEFINITIONS**

For the purpose of this local law the following terms shall have the meanings indicated:

a) **SKATEBOARD** a device consisting of a single platform and upon which a person may ride, and which is mounted on non-swivel wheels, propelled by human power, and which has no mechanism or device with which to steer or control the direction of movement thereof, manipulated only by body movement.

b) **BICYCLE** a devise consisting of a frame mounted upon two wheels with tires in tandem, and upon which a person may ride, and capable of being propelled by human power through a belt, a chain or gears by use of pedals.

c) **ROLLER SKATES** two devices consisting of footwear mounted on four non-swivel wheels, propelled by human power and having no mechanism or device with which to steer or control the direction of movement thereof, manipulated only by body movement.

d) **ROLLER BLADES** two devices consisting of footwear mounted on four non-swivel wheels, propelled by human power and having no mechanism or device with which to steer or control the direction of movement thereof, manipulated only by body movement.

e) **PROHIBITED AREAS** those areas within the Village of Wellsville bounded or described as follows:

- 1) that area bounded on the north by the northerly side of Pearl Street, on the east by the ConRail Tracks right of way, from East Pearl Street, to the rear of the property known as the ABB Preheater and the A&M Bowling Lanes on East Dyke Street, on the west by the east bound lane of the Genesee Parkway and to the south by the southerly boundary of Hanover Street.
- 2) any portion of the lands belonging to Jones Memorial Hospital.
- 3) any portion of the Riverwalk Plaza, except those portions posted to permit particular activities.
- 4) Any area within the Village of Wellsville, public or private, so posted.

**ARTICLE IV            PROHIBITED ACTIVITY**

1. No person shall operate a skateboard in any prohibited areas as defined herein.
2. No person shall operate a bicycle on any sidewalk in any prohibited areas as defined herein.
3. No person shall operate roller skates or roller blades in any prohibited areas as defined herein.
4. This section shall not prohibit a person operating a bicycle from crossing a sidewalk when traveling to or from a street within the prohibited area provided the route of such crossing is as direct as possible and the bicycle is operated in a reasonable and prudent manner for the circumstances and surroundings then existing.
5. No person shall use, operate or ride a skateboard, bicycle, roller skates, or roller blades within the Village of Wellsville in an unreasonable or imprudent manner for the conditions and circumstances then and there existing, on any street, sidewalk, lane, alley, or parking lot which the public has a right to use.

**ARTICLE V            VIOLATION**

An act which violates Article 4 Sections, 1, 2, 3, 4, 5, shall constitute a violation as defined in Section 10.00 of the New York State Penal Law. Exception: This local law does not recognize incarceration as punishment, for a violation of this local law. Nothing in this local law will restrict the court from imposing punishment of incarceration, for other offenses that may be generated as a result of an arrest under this local law, such as, but not limited to Contempt of Court.

**ARTICLE VI            NOTICE**

All persons alleged to be in violation shall be given notice to appear in Village Court or taken for an arraignment before the Village of Wellsville Court.

**ARTICLE VII            PENALTIES**

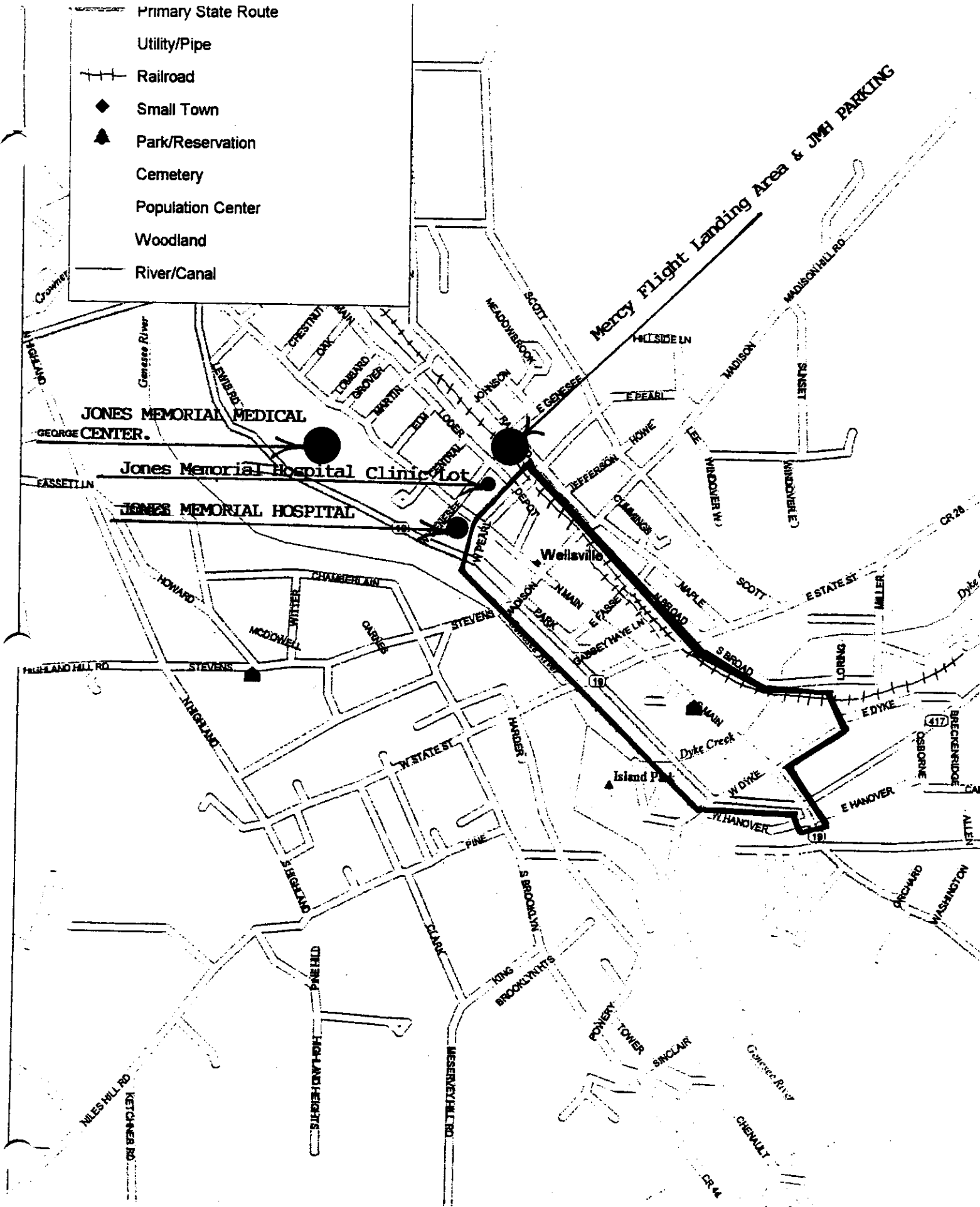
- 1) Any person who violates this local law shall be guilty of a violation.
- 2) The violation shall be punishable as proved in Penal Law Section 80.05 (4): A sentence to pay an amount fixed by the Wellsville Village Court not exceeding \$250.00. Nothing in this local law shall be construed to limit the discretion of the justice, to impose other penalties, such as, but not limited to, community service. Imprisonment as defined under Section 10.00 Sub 3, as applied to other violations will not apply to this section.
- 3) Persons under the age of 16 years, who are found to be in violation of this local law, will be considered to be a Person in Need of Supervision (PINS). The persons will be brought to the Juvenile Area of the Wellsville Police Department and the parent(s) or other

responsible party will be notified to come to the police department at which time the Youth and the person responsible for him/her will be given an appearance ticket ordering him/her and the parent or other responsible party to appear in the Allegany County Probation Department Family Intake Service, for Family Court Action.

**ARTICLE VIII      EFFECTIVE DATE**

This local law shall take effect immediately upon its filing with the Secretary of State.

- Primary State Route
- Utility/Pipe
- Railroad
- Small Town
- Park/Reservation
- Cemetery
- Population Center
- Woodland
- River/Canal



# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY NY 12231

---

(Use this form to file a local law with the Secretary of State)  
Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Wellsville

Local Law No. 1 of 1997

A Local Law amending Local Law number 1 of 1992.

Be it enacted by the Board of Trustees of the Village of Wellsville as follows:

## ARTICLE I

Article 3 Definitions: Section e) subsection 4 is hereby added to read as follows:

e) 1. That area bounded on the north by the northerly side of Pearl Street, on the east by the Contail Tracks right of way, from East Pearl Street to the rear of the property known as the ABB Preheater and the A&M Bowling Lanes on East Dyke Street, on the west by the east bound lane of the Genesee Parkway and to the south by the southerly boundary of Hanover Street.

2. Delete

4. Any portion of the Riverwalk Plaza, except those portions posted to permit particular activities.

5. Any area within the Village of Wellsville, public or private, so posted.

Article 5 Violations: shall be amended to read as follows:

An act which violates Article 4 Sections, 1, 2, 3, 4, 5, shall constitute a violation as defined in Section 10.00 of the New York State Penal Law. Exception: This local Law does not recognize incarceration as punishment, for a violation of this local law. Nothing in this local law will restrict the court from imposing punishment of incarceration, for other offenses that may be generated as a result of an arrest under this local law, such as, but not limited to Contempt of Court.

Article 56 is hereby deleted.

Article 7 Notice: is hereby amended to read as follows:

All persons alleged to be in violation, shall be given notice to appear in Village Court or taken for an arraignment before the Village of Wellsville Court.

Article 9 Penalties: is hereby amended to read as follows:

1. Any person who violates this local law shall be guilty of a violation.

2. The violation shall be punishable as provided in Penal Law Section 80.05 (4): A sentence to pay an amount fixed by the Wellsville Village Court not exceeding \$250.00. Nothing in this local law shall be construed to limit the discretion of the justice, to impose other penalties, such as, but not limited to, community service. Imprisonment as defined under Section 10.00 Sub 3, as applied to other violations will not apply to this section.

3. Persons under the age of 16 years, who are found to be in violation of this local law, will be considered to be a Person in need of Supervision (PINS). The person will be brought to the Juvenile Area of the Wellsville Police Department and the parent(s) or other responsible party will be notified to come to the

police department at which time the Youth and the person responsible for him/her will be given an appearance ticket ordering him/her and the parent or other responsible party to appear in the Allegany county Probation Department Family Intake Service, for Family Court Action.

## ARTICLE II

**EFFECTIVE DATE:** This local law shall take effect immediately upon its filing with the Secretary of State.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being  
minated and do not use italics or underlining to indicate new matter.

~~County~~  
City of WELLSVILLE  
~~Town~~  
Village  
Local Law No. 1 of the year 19 92

A local law REGULATING THE USE OF SKATEBOARDS, BICYCLES, ROLLER SKATES AND ROLLER  
BLADES (Insert title)

Be it enacted by the BOARD OF TRUSTEES of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of WELLSVILLE as follows:  
~~Town~~  
Village

ARTICLE 1 - PURPOSE

The purpose of this local law is to insure, maintain and regulate the preservation of the health, safety, and general welfare of the residents and pedestrians and preservation of private property within the Village of Wellsville limits by controlling or prohibiting the use and operation of skateboards, bicycles, roller skates and roller blades in the Village.

ARTICLE 1B - AUTHORITY

Village Law 4-412 and Village Law Article 6

ARTICLE 2 - DEFINITIONS

For the purposes of this local law, the following terms shall have the meanings indicated:

A) SKATEBOARD: A device consisting of a single platform and upon which a person may ride, and which is mounted on non-swivel wheels, propelled by human power, and which has no mechanism or device with which to steer or control the direction of movement thereof, manipulated only by body movement.

B) BICYCLE: A device consisting of a frame mounted upon two wheels with tires in tandem, and upon which a person may ride, and capable of being propelled by human power through a belt, a chain or gears by use of pedals.

**(If additional space is needed, please attach sheets of the same size as this and number each)**

c) ROLLER SKATES: Two devices consisting of footwear mounted on four non-swivel wheels, propelled by human power and having no mechanism or device with which to steer or control the direction of movement thereof, manipulated only by body movement.

d) ROLLER BLADES: Two devices consisting of footwear mounted on four non-swivel wheels, propelled by human power and having no mechanism or device with which to steer or control the direction of movement thereof, manipulated only by body movement.

e) PROHIBITED AREAS: Those areas within the Village of Wallkill bounded or described as follows:

1. That area bounded on the north by the northerly side of Front Street, on the East by the Conrail tracks right of way, on the South by the southerly Boundary of State Street, on the West by the New York State Route 417 Expressway right of way.
2. That area bounded on the East by the rear of the various properties bounding the easterly South Main Street, on the South by New York State Route 417 Expressway right of way, on the West by the rear of properties bounded on the West side of South Main Street, and on the north by the southerly boundary of West State Street.
3. Any portion of the lands belonging to Jones Memorial Hospital.

ARTICLE 4 - PROHIBITED ACTIVITY:

1. No person shall operate a skateboard in any prohibited areas as defined herein.
2. No person shall operate a bicycle on any sidewalk in any prohibited area as defined herein.
3. No person shall operate roller skates or roller blades in any prohibited areas as defined herein.
4. This section shall not prohibit a person operating a bicycle from crossing a sidewalk when traveling to or from a street within the prohibited area provided the route of such crossing is as direct as possible and the bicycle is operated in a reasonable and prudent manner for the circumstances and surroundings then existing.
5. No person shall use, operate or ride a skateboard, bicycle, roller skates, or roller blades within the Village of Wallkill in a unreasonable or inrudent manner for the conditions and circumstances then and there existing, on any street, driveway, lan, alley, or parking lot which the public has a right to use.

ARTICLE 5 - VIOLATION:

An act which violates Article 4 Section 1 or Section 2 shall constitute a nuisance per se. An act which violates Article 4 Section 3 or Section 4 shall constitute a nuisance in fact, that is to say, a nuisance by reason of circumstances and surroundings.

ARTICLE 6 - OFFICER'S STATEMENT OF NUISANCE:

OFFICER'S STATEMENT OF NUISANCE: Any police officer may summarily state a nuisance as specified herein by confiscating the skateboard, bicycle, roller skates or roller blades as the case may be provided, however, that the police officer have reasonable grounds to believe that the prohibited act was committed by the person charged. Personal observation by the officer shall satisfy these requirements for purpose of

ARTICLE 7 - NOTICE:

All persons alleged to be in violation shall be given notice to appear in Village Court. In the event the Respondent is under 18 years of age, notice shall also be given to the Respondent's parent or guardian. In the event that the Respondent denies the allegations, the Respondent shall be entitled to a Hearing before the Village Justice.

ARTICLE 8 - HEARINGS:

1. All Hearings under this Local Law shall be treated as Administrative Hearings. Administrative rules of evidence shall apply. The standard of proof shall be clear and convincing evidence that the violation alleged did occur and that the Respondent is the violator.

2. All Respondents shall be entitled at the Hearing to be assisted by an attorney, a parent, or a friend.

3. In the event any device is confiscated pursuant to this Local Law the period of impoundment shall commence the day after such confiscation. Any Hearing for an alleged second or subsequent violation shall be held within 15 days of the date of the alleged violation.

ARTICLE 9 - PENALTIES:

A person who admits to a violation or who is found to have violated this Local Law by the Village Justice, after a Hearing, shall be subject to the following sanctions:

A) FIRST OFFENSE: No penalty. Upon request of the Respondent, any skateboard, bicycle, roller skates, or roller blades confiscated will be returned to the Respondent, upon the appearance of the Respondent, and also, if under 18 years of age, a parent or guardian at the Wellesville Police Department between 9 a.m. and 5 p.m. weekdays.

B) SECOND VIOLATION: Impoundment of skateboard, bicycle, roller skates, or roller blades. The device shall be impounded for a period of 15 days, after which time it will be returned to the Respondent at the Wellesville Police Department providing the civil penalty imposed herein has been paid. A civil penalty of \$15 may be imposed on the Respondent. In the event that the civil penalty is not paid within 60 days the impounded bicycle, skateboard, roller skates or roller blades may be sold by the Village Police Department.

C) THIRD VIOLATION: Impoundment of skateboard, bicycle, roller skates, or roller blades. Upon a finding of such a violation, the device shall be impounded for a period of 21 days, after which time it will be returned to the Respondent at the Wellesville Police Department, providing the civil penalty imposed herein has been paid. A civil penalty of \$40 may be imposed.

D) FOURTH OR SUBSEQUENT VIOLATION: Upon a finding of such a violation, the device will be permanently forfeited and sold, auctioned or otherwise disposed of by the Wellesville Police Department. Any sale may be private or public under guidelines established by the Police Department.

E. All penalties or sale proceeds shall be paid to the Village.

F. Return and Waiver:

1. If the violator is under 18 years of age, the court may delay the return of any confiscated or impounded device until the parent or guardian appears with the Respondent before the Court.

2. The Court, in its discretion, may, in all cases, waive all or any portion of a civil penalty.

3. If the respondent is not the owner of the device, the court, in its discretion, may waive or reduce the continuation or impoundment period. In such event, the court may also require the owner, and if under 18 years, the parent and guardian of the owner, to appear in person before the court or at the Police Department to obtain the return of the device.

ARTICLE 10 - EFFECTIVE DATE:

This local law shall be effective immediately upon its filing in the Office of the Secretary of State of the State of New York.