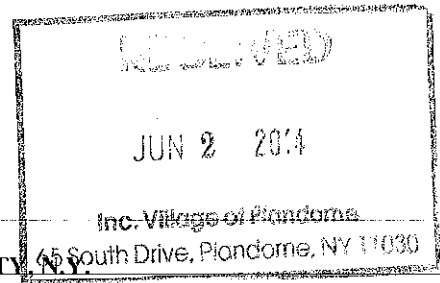


INCORPORATED VILLAGE OF
PLANDOME

TOWN OF NORTH HEMPSTEAD, NASSAU COUNTY, N.Y.



Office of the Village Attorneys
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Locust Valley, N.Y. 11560
(516) 676-4600 - Fax 676-4606

John Ritter, Jr.

Christopher G. Wagner

May 29, 2014

File No.: G-053

To: Mayor and Board of Trustees

From: Humes & Wagner, LLP

Re: **Proposed Local Law C-2014**
Amendment to Chapter 160, "Vehicles and Traffic"
Code of the Village of Plandome

Enclosed is a copy of proposed Local Law C-2014 which will amend Chapter 160 entitled, "Vehicles and Traffic," by adding new Article VII entitled, "In-Line Skates, Skateboard and Other Equipment," to the Code of the Village of Plandome. The proposed local law will prohibit persons riding or otherwise using roller skates, in-line skates or skateboards, on or along portions of Rockwood Road, Longridge Road, Woodedge Road, Parkwoods Road and Dogwood Road. This law was previously introduced by the Mayor as a member of the Board of Trustees, the Village's legislative body, which is being mailed to you in its final form, at least ten (10) days before the June 9, 2014 hearing in accordance with State law.

Under the New York State Environmental Quality Review regulations, proposed Local Law C-2014 is classified as an Unlisted Action and no further environmental review by the Board of Trustees is necessary.

Also enclosed is the notice of public hearing relating to said local law.

Encl.
pc: Village Clerk

VILLAGE OF PLANDOME
PROPOSED LOCAL LAW C-2014
AMENDMENT TO CHAPTER 160, "VEHICLES AND TRAFFIC"

A local law to amend Chapter 160, "*Vehicles and Traffic*" by adding new Article VII entitled, "*In-Line Skates, Skateboards and Other Equipment*" of the Code of the Village of Plandome. The Code was adopted by Local Law 1-1996 by the Board of Trustees on July 9, 1996 and last amended by Local Law 2-2014 adopted by the Board of Trustees on February 11, 2014.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Plandome as follows:

SECTION 1. Add new Article VII entitled, "*In-Line Skates, Skateboards and Other Equipment*" to read as follows:

ARTICLE VII
IN-LINE SKATES, SKATEBOARDS AND
OTHER EQUIPMENT

In the interest of the health, safety and welfare of the community, its inhabitants and visitors, the Village deems it necessary to eliminate skate boarding and similar activity on several roadways in the Village with steep inclines. These areas have become hazardous due to their attention for skateboarding activity and several injuries have been reported.

§ 160-53. Definitions.

For the purpose of this Article the following words shall have the meanings stated:

IN-LINE SKATE

A device consisting of an upper portion that is secured to a human foot, with a frame or chassis attached along the length of the bottom of such upper portion, with such frame or chassis holding two or more wheels that are longitudinally aligned and used to skate or glide by means of human foot and leg power while having such device attached to each such foot or leg.

MANUALLY POWERED DEVICE

Skateboards, in-line skates, roller skates, motorized go-peds, scooters or other device powered by pedals or other system requiring the user to exert force in order to be propelled, but excluding devices for the assistance of the physically disabled.

ROLLER SKATE

A shoe with small wheels attached to it, including any form of in-line wheel configuration.

SKATEBOARD

A short, oblong board with wheels at each end. This definition shall include scooters, go-peds and other similar variations motorized or not.

VILLAGE

The Incorporated Village of Plandome.

§ 160-54. Prohibitions

No person shall ride or otherwise operate any manually powered device as defined in 160-53, including, but not limited to roller skates, in-line skates or skateboards, on or along the public streets and sidewalks described in §160-55 hereof.

§ 160-55. Applicability

The prohibitions of this article shall apply to the following streets and sidewalks or designated parts thereof in the Village:

Rockwood Road

Longridge Road

Woodedge Road

Parkwoods Road

Dogwood Road

§ 160-56. Required safety equipment.

It shall be prohibited for any person to operate a manually powered device on any public street, highway, sidewalk, steps, parking lot or garage in the Village unless such person is wearing a helmet meeting the standards established by the New York State Commissioner of Motor Vehicles for bicycle users pursuant to New York State Vehicle and Traffic Law Article 34. For purposes of this section, "wearing a helmet" means having a helmet of good fit, worn properly and fastened securely upon the head with helmet straps.

§ 160-57. Safety regulations.

- A. No person may operate a manually powered device on a public street, highway, sidewalk, steps, parking lot or garage within the Village in a careless or reckless manner so as to endanger the safety or property of either the operator or another person.
- B. Operators of a manually powered device shall be subject to traffic safety rules, regulations and laws.
- C. No operator of a manually powered device shall, while operating the manually powered device, wear earphones or head gear so as to prevent or obstruct the hearing of external noises.

- D. Operators of a manually powered device shall wear reflective strips or "day glo" safety reflectors from dusk to dawn so as to make themselves visible to vehicular traffic.

§ 160-58. Responsibility of Parents and Guardians

The parent or the guardian of any minor child shall not authorize or knowingly permit any such child to violate any of the prohibitions of this article.

§ 160-59. Penalties for offenses.

- A. Any person who violates the provisions of this chapter may have his vehicle impounded and, upon conviction thereof shall pay a civil fine not to exceed \$250. A police officer or other enforcement officer shall only issue a summons for a violation of this chapter by a person less than 16 years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is 18 years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than 16 years of age. Any person who is a parent or guardian of a minor child, and whose minor child is found in violation of any of the provisions of this article, shall, upon conviction, be guilty of a violation and liable for a civil fine not to exceed \$250.
- B. The court may waive any civil fine for which a person who violates the provisions of § 160-56 would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet.
- C. The court may waive any civil fine for which a person who violates the provisions of this § 160-56 would be liable if the court finds that due to reasons of economic hardships such person was unable to purchase a helmet.
- D. The failure of any person to comply with the provisions of this chapter shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

160-60. Enforcement

Code Enforcement Officers of the Village, as well as Nassau County Police Officers shall have the authority to enforce the provisions of this article.

SECTION 2. This local law shall take effect immediately upon filing with the Secretary of State.

**NOTICE OF PUBLIC HEARING
PROPOSED LOCAL LAW C-2014
INCORPORATED VILLAGE OF PLANDOME
BOARD OF TRUSTEES**

NOTICE IS HEREBY GIVEN that a public hearing will be held before and by the Board of Trustees of the Incorporated Village of Plandome, Nassau County, New York, at the Plandome Village Hall, on Monday, June 9, 2014 at 8:00 p.m.

The hearing will be on whether to enact proposed Local Law C-2014 which will amend Chapter 160, "*Vehicles and Traffic*" of the Code of the Village of Plandome by adding new Article VII entitled, "*In-Line Skates, Skateboards and Other Equipment.*" The proposed local law will prohibit persons riding or otherwise using roller skates, in-line skates or skateboards, on or along portions of Rockwood Road, Longridge Road, Woodedge Road, Parkwoods Road and Dogwood Road.

A copy of proposed Local Law C-2014 is on file at the Plandome Village Hall, 65 South Drive, in said Village where it may be reviewed between the hours of 9:00 a.m. and 4:00 pm during the usual business days until the time of the hearing.

All interested persons will be given an opportunity to be heard at said hearing. Any person needing special assistance in attending, please notify the Village Clerk at (516) 627-1748 at least 48 hours in advance of the meeting.

By Order of the Board of Trustees
Elizabeth Kaye
Village Clerk/Treasurer

Dated: May 29, 2014