

ORDINANCE
NO. 1787

AN ORDINANCE of the City of Warren, County of Warren, Commonwealth of Pennsylvania, repealing Ordinance #1674 and amending Chapter 15, Part 11 of the Code of Ordinances of the City of Warren pertaining to the operation of pedalcycles and non-motorized vehicles including but not limited to tricycles, bicycles, unicycles, roller skates, roller blades, skateboards, scooters, electric personal assisted mobility devices, toy vehicles (whether motorized or non-motorized), sleds, coasters, and similar devices, along with motor-driven cycles and motorized pedalcycles (hereinafter collectively referred to as “Unlicensed Apparatus or Recreational Devices”) upon public sidewalks in certain areas of the City and further prohibiting the operation of Unlicensed Apparatus or Recreational Devices within public parking lots, public parking garages, upon private or public property without written permission, or in such other manner as may result in damage to the personal property of another.

WHEREAS, the operation of Unlicensed Apparatus or Recreational Devices in certain areas of the City constitutes a hazard to pedestrians and presents as opportunity for damage to personal property; and

WHEREAS, the City Council of the City of Warren, Warren County, Pennsylvania, believes that it is in the best interest of the residents of the City of Warren to regulate the use of Unlicensed Apparatus or Recreational Devices in certain manners and certain areas of the City.

NOW, THEREFORE BE IT ORDAINED by the City of Warren, Warren County, Pennsylvania, and it is hereby enacted by authority of the same:

Section 1: Definitions.

- A. Designated area shall mean the areas as defined by section 2 of this Ordinance.
- B. Designated skateboarding facility shall mean any public area which is designated and operated for skateboarding, blades and bikes by the Warren Recreation Commission, said public area to include areas which have been designated as such as of the date of this Ordinance and those areas so designated in the future.
- C. Electric personal assisted mobility device shall mean a self-balancing, two-non-tandem-wheeled device assigned to transport only one person with an electric propulsion system.
- D. Motor-Driven cycle shall mean a motorcycle, including a motor scooter, with a motor which produces not to exceed five brake horsepower.

- E. Motorized Pedalcycle shall mean a motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour or an electric motor-driven cycle equipped with operable pedals and an automatic transmission powered by an electric battery or battery-pack-powered electric motor with a maximum design speed of no more than 25 miles per hour.
- F. Adult shall mean the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person.
- G. Parking facilities shall mean all public parking lots, garages, and spaces of all natures and descriptions whatsoever located within the City of Warren whether owned and operated by the City, a parking authority, or by any other public entity.
- H. Pedalcycle shall mean a device propelled solely by human-powered pedals.
- I. Pedestrian access areas shall mean those areas of ingress, egress, and regress which are not typically designated for vehicular traffic.
- J. Person shall mean any natural person, whether minor or adult.
- K. Rollerblading shall mean the practice of propelling oneself through the use of a pair of boot-like devices equipped with a row of wheels.
- L. Scooter shall mean any device consisting of handlebars attached by a long rod to a footboard on two or more wheels propelled either by human or mechanical means.
- M. Sidewalk shall mean that portion of the streets, highways, boulevards and alleys designated or ordinarily used for pedestrian travel.
- N. Similar device shall mean any and all contrivance and appliances of any and all descriptions, with wheels, intended for use by one or more persons in moving across the surface of the earth with the exceptions of tricycles, bicycles and automobiles, trucks and other motor vehicles licensed by the Commonwealth of Pennsylvania for use on state highways.
- O. Skateboard shall mean a single platform mounted with at least two (2) wheels which is propelled solely by human power and which has no mechanisms or other device with which to steer or to control the movement or direction of the platform, with or without motorized power.
- P. Skates shall mean all forms of wheeled devices intended to be worn or clamped upon the feet and used for personal locomotion by the user thereof in lieu of

walking and shall include but not be limited to traditional roller skates and in-line skates.

Q. Street shall mean the public streets, highways, boulevards and alleys of all natures and descriptions designated or ordinarily used for vehicular travel, excluding sidewalks.

R. Toy vehicles shall mean any motorized or non-motorized device with wheels or rollers upon which a person may ride.

Section 2: Designated Area; Prohibitions.

The following areas described below shall be considered to be the Designated Area and are hereby affected by this Ordinance:

A. With the exception of bicycles, which may be operated on the streets listed below, it shall be unlawful for any person to use, operate, park or ride Unlicensed Apparatus or Recreational Devices on the streets or sidewalks along the following portions of streets in the City of Warren:

<u>Street</u>	<u>Side</u>	<u>Between</u>
Hickory St.	Both	Crescent Park to Fourth Ave.
Liberty St.	Both	Clark St. to Fourth Ave.
Market St.	West	Penn. Ave. to Fourth Ave.
Pennsylvania Ave.	North South Both	Poplar St. to Market St. Hickory St. to Market St. Market St. and South St.
Second Ave.	Both	Pennsylvania Ave. to Market St.
Third Ave.	Both	Hickory St. to Market St.

B. It shall be unlawful for any person to use, operate, park or ride Unlicensed Apparatus or Recreational Devices on the sidewalk or pedestrian access areas of Breeze Point Landing and Soldiers and Sailors Park in the City of Warren.

C. It shall be unlawful for any person to use, operate, park or ride Unlicensed Apparatus or Recreational Devices on or in parking facilities or on the pedestrian access areas leading to parking facilities or in the City and/or private parking lots without written permission of the owner of such property; provided, however, that oral permission will be satisfactory with respect to private property owned and occupied by parents, legal guardians or grandparents of

the person using, operating, or riding upon Unlicensed Apparatus or Recreational Devices.

- D. It shall be unlawful for a person to use any personal property (fixed or portable) as a prop for jumping on or over, grinding on or ramping without prior written permission from property owner.

Section 3: Exemptions.

- A. It shall be unlawful for any person to ride a sled or coaster upon any street within the boundaries of the City of Warren unless that street is on a portion of a street blocked off for sledding by authority of S106 of Part 1 of this Chapter.
- B. It shall not be unlawful for any person to use or operate a Unlicensed Apparatus or Recreational Devices if the sole purpose of that use is to cross the street.
- C. Nothing in this Ordinance shall prevent a pedestrian from pulling a Unlicensed Apparatus or Recreational Device with or without a rider, upon a sidewalk.
- D. Any law enforcement officer shall be exempt from prosecution for the performance of any acts in violation of this Ordinance, which are committed during the discharge of his or her duties as a law enforcement officer.
- E. Unlicensed Apparatus or Recreational Devices may be operated on sidewalks by a minor when that minor is accompanied by an adult as defined by this part and operated with regard to the safety reasonable care of others.
- F. The provisions set forth in this Ordinance do not apply to electric personal assisted mobility devices, wagons, wheelchairs, and strollers or other devices designed and used for the purpose of transporting infants, children, physically challenged or incapacitated persons, or to other devices intended and used for transporting merchandise and materials so long as they are used for the purposes for which they are intended.

Section 4: Special Permits

- A. A permit for a special event during which the use of Unlicensed Apparatus or Recreational Devices may be permitted at the location of the special event only and for the date and time of the special event only can be acquired by filing an application and remitting appropriate fees to the appropriate City Office. In applying for such a permit, the applicant must specifically request that the use of Unlicensed Apparatus or

Recreational Devices be permitted; if not so requested, permission for the use of Unlicensed Apparatus or Recreational Devices at the special event will not be considered granted simply by virtue of the granting of the special event permit. The City Manager, the Manager's designee, or City Council reserve the right to reject any such requests, either in part or in whole. Applications may be approved by the City Manager, the Manager's designee, or City Council.

- B. For reasonable cause shown, the Chief of Police or his designee may issue special permits to individuals authorizing the holder thereof to utilize rollerblades or roller skates for personal transportation over the streets set forth in the designated area.
- C. Any individual receiving a special permit shall be solely responsible for complying with all applicable federal, state, and local laws, rules, regulations, and ordinances and shall be solely responsible to conduct said transportation in a safe and reasonable manner. In addition, any individual receiving a special permit shall be solely liable for any and all injuries, damages, accidents, causes of action, or the like which may arise out of or pursuant to the special permit and its subsequent use.

Section 5: Penalties

- A. Any person convicted of violating any of the provisions of this Ordinance, which are governed by the Vehicle Code of the Commonwealth of Pennsylvania, shall be sentenced to pay and to suffer such penalties as are set forth in the Pennsylvania Vehicle Code for such offenses.
- B. Any person convicted of violating any of the provisions of this Ordinance which do not also constitute violations of the Pennsylvania Vehicle Code, shall be sentenced to the following:

First Offense. The Unlicensed Apparatus or Recreational Device may be impounded by the Police Department for a period of five (5) calendar days and upon conviction shall be sentenced to pay a fine of \$25.00 plus the cost of prosecution.

Second Offense. The Unlicensed Apparatus or Recreational Device may be impounded by the Police Department for a period of fifteen (15) calendar days and upon conviction shall be sentenced to pay a fine of \$50.00 plus the cost of prosecution.

Third Offense. The Unlicensed Apparatus or Recreational Device may be impounded by the Police Department for a period of thirty (30) calendar days and upon conviction shall be sentenced to pay a fine of \$100.00 plus the cost of prosecution.

Fourth and Subsequent Offenses. The Unlicensed Apparatus or Recreational Device may be impounded by the Police Department for a period of one (1) year and upon conviction shall be sentenced to pay a fine of \$300.00 plus the cost of prosecution.

To be considered a subsequent offense under this part shall not require a conviction. In the event that the offender is a minor, the parent, guardian, or other person having legal custody of said minor shall be notified of the offense.

Section 6: Effective date

This Ordinance shall become effective at the earliest date it may become effective as provided by law.

Section 7: Repealer

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

ADOPTED this 19th day of July, 2010.