

Local Law Filing

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 underling to indicate new matter.

County

~~City~~ of Yates

~~Town~~

~~Village~~

Local Law No. 1 of the year 2006

A local law Use Of Skateboards, Roller Skates, And In-Line Skates On Public Ways At County Office Buildings, Campus And Park.

(Insert Title)

Be it enacted by the Legislature of the

County

~~City~~ of Yates as follows:

~~Town~~

~~Village~~

§100-0 Purpose

A. In order to promote the public safety and health, and to eliminate damage to municipal property the Yates County Legislature desires to regulate the operation of skateboards, roller skates, and in-line skates on Yates County government and public safety campus's, public ways, sidewalks, parking lots, and Court Yard Park.

§100-1 Definition

A. For the purposes of this local law, "Skateboard" will mean any wheeled vehicle intended and designed to be propelled by a foot on the vehicle at the time of initial propulsion for skating or gliding including, but not limited to common skate devices known as skateboards, in-line skates, or roller skates.

§100-2 Conduct Prohibited

- A. No person shall operate or attempt to operate a skateboard, as defined above, on any parking areas, public ways, building steps, or sidewalks within or adjoining the "courtyard" park, the Yates County offices and courthouse buildings campus, or at the public safety building and all county municipal properties located within the Village of Penn Yan.
- B. No parent or legal guardian shall knowingly or negligently allow a minor to engage in conduct as defined in 100-2 A.

§100-3 Enforcement

The Penn Yan Police, the Yates County Sheriff's Office, and the New York State Police may enforce this local law. Any police or peace officer who observes a violation of this chapter by any individual may issue a warning or an appearance ticket to that individual for appearance in the local Justice Court. Any officer who receives a sworn complaint of a violation of this law from a citizen, after investigating concludes that a violation of law has occurred, may issue a warning or seek a criminal summons from the court, whichever is appropriate.

§100-4 Penalty

Any person including a parent adjudicated in violation of this chapter shall be guilty of an infraction and liable for a "warning" or a "fine" penalty of not less than Fifty Dollars (\$50.00) and not more than One Hundred Fifty Dollars (\$150.00).

1. For any first violation, the violator shall receive a written warning and a copy of this local law. If any violator is under the age eighteen, his or her parents or legal guardians will be notified.
2. All second and subsequent violations will be summonsed to the Village of Penn Yan Justice Court. Any persons so summonsed may waive all court action by payment of the following amounts within (10) days of the issuance to village police:

Second Violation	\$50.00 fine
Third Violation	\$100.00 fine
Fourth Violation or more	\$150.00 fine

§100-5 Penalties Accrue to Village

All fine penalties for infractions collected under this section shall accrue to the Village of Penn Yan.

§100-6 Severability

Should any portion whatsoever of this local law be held invalid or unenforceable for any reason, by any court of competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding, and such holding shall not affect the remaining portions thereof.

§100-7 Effective Date

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2006 of the (County)(~~City~~)(~~Village~~) of Yates was duly passed by the Legislature on September 11, 2006, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20__, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__. Such local law was submitted to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there are none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Corrie C. Hayes
Clerk of the County legislative body, city, Town or Village Clerk
Or officer designated by local legislative body

(Seal)

Date: 9/12/06

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Bernette A. Bourcy
Signature
County Attorney
Title

County
City of Yates
~~Town~~
Village

Date: Sept. 12, 2006