

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. Non-motorized recreation vehicles and skateboards are not designed or manufactured to be used on public streets and roads, and the Town of Badin neither advocates nor endorses their operation on streets in any way.

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:

Inherent risk or hazardous recreation refers to those dangers that are characteristic of, intrinsic to or an integral part of skateboarding, freestyle bicycling and other non-motorized recreation vehicles.

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, tricycles, toy vehicles, toy wagons, soap box cars and any other contraption fitting a description similar to the aforementioned items.

A skateboard is a non-motorized recreation vehicle made up of any board or other flat object which has wheels attached to it by any means whatsoever and which is intended to be propelled by pushing, pulling or the forces of gravity and to which there is affixed no specific device or mechanism dedicated to steering of the device.

Skateboard or freestyle bicycling park means a facility that is designed and maintained by the town for the purpose of either recreational skateboard use and/or recreational freestyle bicycle use.

Section 3. Rules and Regulations

Non-motorized recreation vehicles are hereby regulated in accordance with the following rules and guidelines. 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.

- Use of non-motorized recreation vehicles on streets is expressly prohibited from dusk to dawn without reflective safety equipment.
- 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.
- Non-motorized recreation vehicles may not be driven or otherwise operated on N.C. HWY 740 and/or Valley Drive in the Town of Badin.
- 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.
- Non-motorized recreation vehicles must yield the right-of-way to any and all overtaking vehicles, at all times.
- Non-motorized recreation vehicles are prohibited from operation on any streets or sidewalks in the General Business Districts (G-B), Central Business Districts (C-B) or Light Industrial Districts (M-1) within the incorporated limits of the Town of Badin.

Selected streets adjoining and/or extending from the aforementioned districts are also prohibited. They are designated by common name and section as listed below:

- Street, sidewalk and alley sections where non-motorized recreation vehicles are prohibited in and around Central Business District Zoning (C-B) include:
 - N.C. 740,
 - Nantahala St. from N.C. 740 to Maple St.,
 - Boyden St. from Nantahala St. to Falls Rd.,
 - Falls Rd. from N.C. 740 to Maple St.,
 - Pine St. from Falls Rd. to Field Lane,
 - Walnut St. from Falls Rd. to Badin Library Property end,
 - Yadkin Court from Falls Rd. to Pine St.
 - Maple St. from Nantahala St. to Spruce St.

- Street, sidewalk and alley sections where non-motorized recreation vehicles are prohibited in and around General Business District Zoning (G-B) include:
 - Roosevelt St. from Lee St. to Washington St.,
 - Dewey St. from Washington St. to Sumpter St.,
 - Sumpter St. from Sherman St. to Marion St.

- Street, sidewalk and alley sections where non-motorized recreation vehicles are prohibited in and around Light Industrial District Zoning (M-1) include:
 - Falls Rd. from N.C. 740 to Boyden St.

- Town owned and other real property and parcels where use of non-motorized recreation vehicles is prohibited includes, but is not limited to:
 - 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.

- 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.

- 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.

- 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.

The Badin Police Department's interpretation of the above rules and regulations are final. Any activity deemed by the Badin Police Department to be of criminal nature will be pursued by the department as such.