

ORDINANCE NO. 03-5257

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING SECTIONS TO BE NUMBERED 24-611 THROUGH 24-617; REGULATING THE USE OF SKATEBOARDS AND OTHER PLAY VEHICLES; SETTING SAFETY REQUIREMENTS; PROHIBITING CERTAIN CONDUCT; AND, SETTING A PENALTY

NOW, WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by adding sections to be numbered 24-611 through 24-617 as Division 2 to Article 24-600, to read as follows:

“DIVISION 2. SKATEBOARDING AND PLAY VEHICLES

Sec. 24-611. Definitions

As used in this Division, the terms shall have the following meanings:

Person: Any natural person, whether minor or adult.

Play vehicle: A coaster, roller skates, in-line skates, roller blades, roller skis, scooter, or other nonmotorized vehicle upon which a person may ride, but not including a bicycle.

Ride, ridden or riding: Either wholly or partially sitting, standing or lying upon a skateboard or play vehicle by a person whether such skateboard or play vehicle is in motion or stationary.

Skateboard: A device with a board or platform having at least two axles with wheels or any similar device for riding upon, usually standing, including without limitation skateboards of all types.

Sec. 24-612. Skateboarding in the Business District.

No person shall ride a skateboard or other play vehicle upon any sidewalk or public property within the area of the City of Billings bounded by and including 32nd Street, 24th Street, 6th Avenue North and 1st Avenue South.

Sec. 24-613. Riders to Yield Right-of-Way

Persons riding skateboards or play vehicles upon any sidewalk shall yield the right-of-way to pedestrians on the sidewalks, and shall not otherwise endanger or interfere with the pedestrian traffic on those sidewalks.

Sec. 24-614. Prohibited Conduct.

(a) No person shall operate or use a skateboard or play vehicle in a reckless, disruptive, or unsafe manner on public property or private property (unless expressly authorized by the owner of the private property). A reckless, disruptive or unsafe manner is defined as:

- (1) riding at excessive speed;
- (2) causing noise that disrupts people;
- (3) riding without regard for the safety of others;
- (4) riding in a manner that causes damage to public property or private property or landscaping;
- (5) riding on steps, stairways, access ramps, retaining walls, benches, railings, brickwork, cobblestone or ornamental surfaces, picnic tables, tennis courts, fountain areas, planters or sculptures, or on similar architectural features; or,
- (6) jumping.

(b) No person shall use or place a ramp, jump, or any other device used to force a skateboard or play vehicle off the pavement on the grounds of any city-owned parking lot or park, except for the use of integrated permanent ramps and jumps in City skateparks.

(c) No person shall apply wax or other materials intended to reduce friction to sidewalks, streets, or other public property.

(d) No person shall ride or possess a bicycle in a City operated skatepark.

Sec. 24-615. Notice to parents or guardians.

A copy of a citation issued for a violation of this division by persons under 16 years of age shall be mailed by the City to the parents or guardians of the cited person at their home address, if known.

Sec. 24-616. Confiscation of skateboard or play vehicle.

Whenever a law enforcement officer has probable cause to believe a skateboard or other play vehicle is being used in violation of this Division, the skateboard or play vehicle may be seized as evidence and held until disposition of the charge.

Sec. 24-617. Penalty.

A person violating any provision of this Division is guilty of a misdemeanor and shall be fined not more than three hundred dollars (\$300.00) for each offense."

Section 2. EFFECTIVE DATE. This ordinance shall be effective either thirty (30) days after second reading and final adoption as provided by law or the date of the official opening of the Downtown Billings Skatepark, whichever is later.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22nd day of September, 2003.

PASSED, ADOPTED and APPROVED on second reading this 14th day of October, 2003.

CITY OF BILLINGS

By _____
Mayor

ATTEST:

By _____
City Clerk