

# Local Law Filing

(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 underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Pomona

FILED  
STATE RECORDS  
DEC 18 2019

DEPARTMENT OF STATE

Local Law No. 2 of the year 2019

A local law "Skateboards"  
(Insert Title)

Be it enacted by the Board Of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Pomona as follows:

The Village Code of the Village of Pomona shall be amended to add Chapter 113 entitled "Skateboards" which shall read as follows:

Chapter 113 Skateboards

See attached....

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 2 of 2019 of the (County)(City)(Town)(Village) of Pomona was duly passed by the Board of Trustees on 25 2019, 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. 2 of 2019 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

~~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.~~

**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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be 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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/2/2019.

(Seal)

**LOCAL LAW NO. 2 OF 2019  
OF THE VILLAGE OF POMONA  
ADDING CHAPTER 113 TO THE CODE OF THE VILLAGE OF POMONA**

BE IT ENACTED, a local law adding Chapter 113, entitled "Skateboards," to the Village of Pomona Village Code, as follows:

**Section 1. Authority.**

This Local Law is adopted pursuant to the Section 10 of the Municipal Home Rule Law of the State of New York.

**Section 2. Title and Purpose.**

This local law shall be known as "Local Law No. 2 of 2019."

The purposes of this Local Law is to implement regulations with respect to the operation of skateboards in the Village of Pomona that are designed to inform operators of skateboards and other residents of the rights and obligations of owners and operators of the skateboards, to ensure that the use of the skateboards shall not become public nuisances, and to provide protections to a relatively dangerous activity to the non-professional participant and third-parties.

**Section 3. Amendment.**

The Village Code of the Village of Pomona shall be amended to add Chapter 113 entitled "Skateboards," which shall read as follows:

**Chapter 113 Skateboards**

**§ 113-1 Definitions.**

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

**OPERATE** - to ride in or on or to use or control the operation of a skateboard, in any manner; whether or not such skateboard is under way.

**OPERATOR** - any person who operates or is in control of a skateboard.

**PUBLIC LANDS** - all lands owned by the State of New York and/or its political subdivisions and all lands constituting open streets and walkways used by the public and for which the State of New York and/or its political subdivisions have a statutory or recorded a right of way, regardless of whether such streets or walkways are improved with concrete or asphalt.

**SKATEBOARD** - any board of wood, plastic, fiberglass or similar material upon which wheels are attached and used for gliding or moving on hard surfaces.

**SPECIAL EVENT** - an organized race, rally, exhibition or demonstration of limited duration, which is conducted according to a prearranged schedule, and in which general public interest is manifested.

**§ 113-2 Locations where Skateboard operation is permitted.**

A. It shall be unlawful to operate a skateboard in any manner upon any public street, parking lots, sidewalks, or any public lands, parks, waters or property within the Village except those public lands specifically designated by the Village Board of Trustees as areas upon which skateboards may be legally operated, and then only in accordance with the following rules and any other rules that the Village Board of Trustees shall adopt from time to time:

- (1) No person shall operate a skateboard on the private property of another without the consent of the owner or lessee thereof.
- (2) A skateboard may be used in cul-de-sacs or other dead-end roads or at any location designated by a Resolution of the Village Board of Trustees, subject to any rules enacted by the Village Board.
- (3) No parent or guardian shall authorize or knowingly permit his/her child or ward, if under the age of 16 years, to operate a skateboard in violation of any provision of this local law.
- (4) No person shall operate a skateboard at nighttime on any public lands, roads, parks, including dead end road and cul-de-sacs in any of the following manners:
- (5) Skateboards must not be used
  - (a) In a careless manner without due caution; or
  - (b) In a manner endangering him/herself or others or in any manner which creates a risk or danger to any person or property.
  - (c) In any manner impeding or interfering with pedestrian or vehicular traffic.
- (6) Any person operating a skateboard shall operate same in strict compliance with Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles and play vehicles, except as to those provisions which by their nature have no application to skateboards.
- (7) The operator of any skateboard emerging from an alley, driveway or building shall yield the right of way to all pedestrians, bicyclists and others traveling upon the road, sidewalk or way being approached by the operator of the skateboard.
- (8) Whenever any person shall operate a skateboard upon a sidewalk or other traveled way, such person operating the skateboard shall yield the right of way to any pedestrian, bicyclist or others traveling on such sidewalk or traveled way and shall give an audible signal before overtaking/passing such pedestrian.
- (9) No Person shall operate a skateboard without wearing the appropriate safety equipment or gear, including a helmet, and knee and elbow pads.

**§ 113-3 Liability for negligence.**

A. Negligence in the use a skateboard shall be attributable to the operator or owner or both. Every operator and owner of a skateboard used or operated within the Village of Pomona shall be liable and responsible for the death or injury to person or damage to property resulting from

negligence in the operation of such skateboard.

**§ 113-4 Penalties for offenses.**

A. Any person found guilty of violating any provision of this chapter shall be subject to a fine not to exceed \$100 for a first offense, \$ 200 for a second offense and \$500 for third or subsequent offense within any twelve month period.

**Section 4. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR § 617.5 (26) and (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

**Section 5. Severability.**

If any clause, sentence, paragraph, word, section or part of this Local Law shall be judged by any Court of competent jurisdiction to be unconstitutional, illegal, or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section and/or part thereof directly involved in the controversy in which said judgment shall have been rendered.

**Section 6. Repeal, Amendment, and Supersession of other Laws.**

All other resolutions, ordinances, or local laws of the Village of Pomona, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

**Section 7. Effective Date.**

This Local Law shall take effect upon filing with the Secretary of State.