

ORDINANCE # 192

FIRST READING – APRIL 23, 2008
SECOND READING – MAY 14, 2008

RECOGNIZING THAT A GENERAL NUISANCE AND THREAT TO THE PUBLIC SAFETY RESULTS FROM THE PRACTICE KNOWN AS “SKATEBOARDING” CONDUCTED ON THE PROPERTY KNOWN AS THE COUNTY OF LACKAWANNA COURTHOUSE SQUARE; DEFINING AND PROHIBITING SKATEBOARDING IN THE AREAS AND DURING THE HOURS DESIGNATED; AND IMPOSING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND INCLUDING ROLLERBLADING AND BICYCLING AS A PROHIBITED ACTIVITY IN THE DESIGNATED AREA.

WHEREAS, the County of Lackawanna (the “County”) is empowered under the County Code (16 P.S. § 2325) to keep and maintain the public buildings of the county and its grounds in suitable and convenient order; and

WHEREAS, the building and grounds of the Lackawanna County Courthouse fall within that definition under the County Code; and

WHEREAS, a general public nuisance and threat to public safety results in the practices known as “rollerblading,” “skateboarding” and “bicycling” conducted in, on and around the Courthouse Square Area; and

WHEREAS, it is in the best interest of the citizens of the County of Lackawanna to prohibit the continuation of this practice so as to protect the health of those persons engaged in the activity and pedestrians, particularly the elderly, the infirm, and the handicapped, who make use of the areas.

Now, be it ordained by the County of Lackawanna as follows:

SECTION I. DEFINITIONS:

A. “Skateboarding” is that practice of one or more persons riding, pedaling or otherwise propelling themselves on a single board mounted upon two or more wheels without benefit of handlebars or other manual control device.

B. “Rollerblading” is that practice of propelling oneself through the use of a pair of boot like devices equipped with a row of wheels.

C. “DESIGNATED AREA” shall mean the Courthouse Square area

within Linden Street, Adams Avenue, Spruce Street, and North Washington Avenue, its surrounding pavement and public street, roadways, berms and adjacent sidewalks.

SECTION 2. SKATEBOARDING, BICYCLING AND ROLLERBLADING PROHIBITED.

No person shall skateboard or rollerblade within the areas above designated as prohibited. No person shall skateboard or rollerblade 24 hours a day, 7 days a week.

SECTION 3. PENALTIES.

Any person violating any of the provisions of this Section shall, upon summary conviction thereof in a summary proceeding before a District Justice of the City of Scranton, receive a written warning for a first offense, and to pay costs. Upon conviction of a second offense, such persons shall be sentenced to pay a fine of not more than Twenty-Five (\$25.00) Dollars and costs. Upon conviction of a third and any subsequent offense, such person shall be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs and/or to be imprisoned in the County Jail for a period not exceeding ninety (90) days. Each and every day upon which any person shall violate or continue to violate the provisions of this Section shall constitute a separate offense. The office of the Sheriff of Lackawanna County shall be authorized to enforce this Ordinance.

SECTION 4. SEVERABILITY.

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The County reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 5. REPEALER.

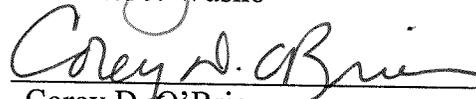
All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. This Ordinance shall be effective for all purposes upon the last to occur of (a) seven days following publication of the notice required by Section 1.3-311 of the Lackawanna County Home Rule Charter and (b) ten days after the date hereof.

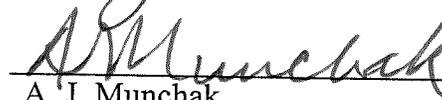
County of Lackawanna,



Michael J. Washo



Corey D. O'Brien



A. J. Munchak

Attested:

Elizabeth F. Randol
Chief of Staff

Approved as to Form and legality:

John R. O'Brien, Esquire
Solicitor