

ORDINANCE NO. 105

TOWNSHIP OF SOUTH HEIDELBERG
BERKS COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY,
PENNSYLVANIA REGULATING THE USE OF SKATEBOARDS WITHIN SAID TOWNSHIP

WHEREAS, the Township of South Heidelberg is authorized in Section 712 of the Second Class Township Code, 53 P.S. §65712, as amended, to enact ordinances prohibiting nuisances; and

WHEREAS, the Township wishes to regulate the use of skateboards within the Township.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, as follows:

Section 1. Public Nuisance. The Board of Supervisors of the Township of South Heidelberg find that the riding of skateboards on the public streets or sidewalks to be dangerous to the public safety; and that the continuance of such activities is detrimental to the best health, safety, convenience and general welfare of the Township and of the residents, citizens, inhabitants and businesses thereof. The Board hereby declares such activities to be a public nuisance and herein establishes procedures for the abatement thereof and penalties for such activities.

Section 2. Definitions. A "Skateboard" and/or "Skateboarding" shall mean to skate, ride, sit, stand or lie on any type of flat surface having affixed to it rollers or wheels.

Section 3. Prohibition. The following activities shall be declared to be prohibited as a public nuisance throughout the Township of South Heidelberg:

A. The riding of a skateboard on any public sidewalk or street.

B. The riding of a skateboard anywhere within the Township without exercising due care for the safety of other persons or vehicular traffic.

Section 4. Injunction. In the event any person should violate or act with intent to violate any provision of this Ordinance, the Solicitor for the Township of South Heidelberg may institute legal proceedings seeking declaratory judgment that the violations complained of are public nuisances and requesting an injunction from the court restraining said violation or violations. Said injunction may provide for judgment for costs expended and such other relief as the court may deem proper and/or necessary. Any defendant named in an action commenced under this Section shall receive written notice and shall have the right to a hearing prior to the issuance of an injunction. The court shall, when practicable, hold a hearing within three (3) days after demand by the Solicitor for the Township of South Heidelberg. A written memorandum supporting the decree shall be filed.

Section 5. Penalty. Any person who shall violate any provision of this Ordinance or who shall fail to comply therewith, shall be guilty of a summary offense, and upon conviction shall be sentenced for each violation to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution. Upon default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to Berks County Prison for a period not exceeding thirty (30) days.

Section 6. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of

