

ORDINANCE NO. F-0273

AN ORDINANCE AMENDING THE WHEATON CITY CODE
SECTION 42-21 "SKATEBOARDS, IN-LINE SKATES,
ROLLERSKATES, AND SCOOTERS - PROHIBITED IN
CENTRAL BUSINESS DISTRICT"

WHEREAS, the City previously adopted Section 42-21 (formerly Code 1968, Section 17-58) of the Wheaton City Code; and

WHEREAS, since the adoption of this Section, the City has determined that the use of skateboards, in-line skates, rollerskates, and scooters has increased on City property, both inside and outside of the central business district; and

WHEREAS, the increased use of skateboards, in-line skates, rollerskates, and scooters on City property endangers the public health, safety, and welfare in that:

- a. It presents a risk of harm to pedestrians;
- b. Causes damage to City owned property;
- c. Endangers the safety of the skateboarders, in-line skaters, rollerskaters, and scooter users; and
- d. Interferes with the free and open use of public property by *intended users* as described herein; and

WHEREAS, *intended users* are pedestrians walking or running on foot upon any sidewalk, street, public way or parking lot within the City of Wheaton and shall specifically exclude skateboard users, in-line skaters, rollerskaters, and scooter users.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers that Section 42-21 entitled, "Skateboards, rollerskates, and scooters prohibited in the central business district" is repealed and rescinded in its entirety and replaced by a new Section 42-21, which shall be entitled, "Skateboards, In-line skates, Rollerskates and Scooters Prohibited" and provide as follows:

"Section 1: Section 42-21. Skateboards, in-line skates, rollerskates, and scooters prohibited in designated areas.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Central business district means the area bounded by Wesley Street on the north, West Street on the west, Willow Street on the south and Cross Street on the east.

In-line Skates or Rollerskates means any device worn on the foot with wheels propelled by human power.

Scooter means a device with two or more wheels connected by a platform with a steering handle or wheel which is designed for standing and which is propelled by human power.

Skateboard means a device with a combination of wheels connected by a platform designed for standing and which is propelled by human power.

(b) *Prohibition.* It shall be unlawful:

- (1) To operate or propel any skateboard, in-line skate, rollerskate, or scooter upon any sidewalk, street or public way in the central business district of the City of Wheaton.
- (2) To operate or propel any skateboard, in-line skate, rollerskate, or scooter upon any fence, berm, retaining wall, dividing wall or structure, parking barrier, stairway, hand rail or guard rail on any City owned or leased property within the corporate boundaries of the City of Wheaton.

(c) *Penalty for violation.* Any person violating the provisions of this section shall be subject to a fine of not less than \$10.00 for the first offense, and not less than \$20.00 for the second or subsequent offense."

Section 2: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 3: That should any clause, sentence, paragraph or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Section 5: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

ATTEST:


C. James Carr
Mayor


Emily M. Condelegio
City Clerk

Roll Call Vote:

Ayes: Councilwoman Davenport
Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Johnson
Councilwoman Johnson
Councilman Mork

Nays: None

Absent: None

Motion Carried Unanimously

Passed: September 8, 1998

Published: September 9, 1998