

## **ORDINANCE NO. 284-12**

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN

ADOPTING AN ORDINANCE TO BE KNOWN AS:

### **BICYCLE, SKATEBOARD AND ROLLER-BLADE ORDINANCE**

The Village of Bancroft Ordains:

#### **Section 1. PURPOSE:**

This ordinance prohibits the riding of Bicycles, skateboards and roller-blades in the Business District; and provides penalties for violation thereof.

1. No person shall ride a bicycle, skateboard or roller-blade upon any sidewalk within the business district,
  - (a) Children in the presence of an adult can ride bicycle thru downtown business district.
2. When any person is riding a bicycle, skateboard or roller-blade upon a sidewalk, such person shall yield the right-of-way to any pedestrian, and if necessary, the person riding such bicycle, skateboard or roller-blade shall dismount and vacate the sidewalk in order to prevent a collision, and any person riding a bicycle, skateboard or roller-blade upon the sidewalk must have the bicycle, skateboard or roller-blade under control at all times.
3. It shall be a violation of this ordinance for any person to ride a bicycle, skateboard or roller-blade in a negligent manner within the Village of Bancroft.
4. In areas of the Village of Bancroft where bicycle, skateboarding or roller-blading is not prohibited, it shall be a violation of this ordinance for any person to ride a bicycle, skateboard or roller-blade in a manner contrary to traffic and/or pedestrian regulations.
5. It shall be a violation of this ordinance for any bicycle, skateboard or roller-blade to be out of the direct physical control of the owner or user while it is in motion anywhere within the Village of Bancroft. Any bicycle, skateboard or roller-blade in violation of this provision is subject to seizure and forfeiture as provided herein.
6. Whenever a law enforcement officer has probable cause to believe that a bicycle, skateboard or roller-blade was used or is intended to be used in violation of this ordinance, such bicycle, skateboard or roller-blade is subject to seizure and forfeiture. In the event of seizure pursuant to this ordinance, forfeiture shall be deemed complete unless the owner pays the required fines.
7. Business district shall be defined as Main St. from Sprague St to Robinson St. and Warren St. from Beach St. to Shiawassee St.

#### **Section 2. PENALTIES:**

1. A person who is found to be in violation of this ordinance shall be fined the following:
  - First violation-written or verbal notice
  - Second violation- \$50.00
  - Third or more violation- \$150.00
2. A person who is found to be in violation of this ordinance shall be guilty of a Municipal Civil Infraction.

#### **Section 3. MUNICIPAL CIVIL INFRACTION**

1. A Municipal civil infraction ticket, pursuant to MCLA 600.8701;MSA 27A.8701,et seq. The officer shall not be required to issue any further notices before issuing a subsequent municipal civil infraction ticket for each day thereafter the violation of this chapter continues.
2. The words "Municipal Civil Infraction" mean an act or omission that is prohibited by this chapter of the Ordinance code, but which is not a crime under this Ordinance or other ordinances, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered as authorized by Chapter 87 of Act No.236 of the Public Acts of 1961, as amended {MCL 600.8701: MSA 27A.8701,et seq} A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.
3. The sanction for a municipal civil infraction violation shall be a civil fine in the amount as provided by this chapter of the Ordinance code, plus costs, damages, expenses, equitable relief and other sanctions, as authorized under Chapter 87 of Act No. 236 of Public Act of 1961, as amended, and other applicable law.
4. Unless otherwise specifically provided for in this chapter, the civil fine for a municipal civil infraction violation shall not be less than \$ 10.00 plus costs and other sanctions.
5. The person who shall receive the municipal civil infraction by the police officer is the owner, occupant, possessor, or person having control of the offensive item.
6. The Village police officer shall have the authority to issue a municipal civil infraction ticket pursuant to this chapter of the Ordinance code, pursuant to MCL 600.8707(2):MSA 27A.87(2).

#### Section 4. Effective Date

This Ordinance shall take effect twenty (20) days after its passage, as set forth hereafter.

Date of adoption: March 14<sup>th</sup>, 2012

Date of publication: \_\_\_\_\_

Effective date: April 3<sup>rd</sup>, 2012

I, Karen Cole being the Clerk of the Village of Bancroft, Michigan, do hereby certify that the foregoing is a true and correct copy of the Village of Bancroft Ordinance No. 248-12, passed on March 14<sup>th</sup>, 2012, by a majority vote of the Bancroft Village Council. Further, I do certify that I did cause the same or a synopsis of same to be published in the Argus-Press newspaper, Owosso, Michigan, within fifteen (15) days after such adoption by the Village Council pursuant to MSA 5.1274.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14<sup>th</sup> day of March, A.D., 2012.

BY: William R. Johnston

William R. Johnston, Village President

Karen Cole

SEAL OF THE VILLAGE

OF BANCROFT

Karen Cole, Village Clerk