

**ORDINANCE NO. 386**

An ordinance to amend Chapter 92 of Title IX of the Code of the City of Harbor Springs, by amending Section 92.204 therein.

WHEREAS, the City Council of the City of Harbor Springs has studied the existing provisions of the City Code and has determined that changes to the City Code are desirable in order to modify the restrictions on operation of toy vehicles, skateboards and roller skates; and,

WHEREAS, the City Council finds that the adoption of the within Ordinance is necessary for the health, safety and welfare of the City of Harbor Springs,

NOW, THEREFORE, THE CITY OF HARBOR SPRINGS ORDAINS:

Section 1

Chapter 92 of Title IX of the Code of the City of Harbor Springs is hereby amended by amending and restating Section 92.204 to read as follows:

“92.204 Restrictions on Coasters, Toy Vehicles, Skateboards, Roller Skates and Similar Devices; Violation as Civil Infraction.

(1) A person who is riding in, or by means of any coaster, toy vehicle or similar device, shall not go upon:

(a) the sidewalks and right-of-way of Highway M-119 as it traverses the City of Harbor Springs, nor upon that portion of Judd Street consisting of Judd Hill and the sidewalks of Judd Hill; nor upon any street, sidewalk, roadway, park or other public place within the area described as the Downtown Development District as described in Section 3.701 of this Code; and,

(b) any other street or roadway located in the City of Harbor Springs, except while crossing a street at a crosswalk.

A person may operate such a device on a sidewalk or in an area that is not restricted as provided in this subsection (1) provided such person shall at all times obey all rules otherwise applicable to the operation of bicycles in the City of Harbor Springs, must yield the right of way to vehicles and pedestrians and shall at all times operate such device in a safe and careful manner that shall not threaten or cause injury or damage to persons or property.

(2) A person who is riding on a skateboard or on roller skates (including in-line roller skates (roller-blades)) shall not go upon:

(a) The street or roadway portion of the right-of-way of Highway M-119 as it traverses the City of Harbor Springs; nor upon the sidewalks of Highway M-119 as it traverses the City of Harbor Springs from Gardner Street to Ann Street; nor upon that portion of Judd Street consisting of Judd Hill and the sidewalks of Judd Hill; nor upon any street, sidewalk, roadway, park or other public place within the area described as the Downtown Development District as described in Section 3.701 of this Code (excepting from this prohibition the street or roadway portion of Bay Street); and,

(b) The street or roadway portion of the following streets within the City of Harbor Springs: Lake Street, Park Street, Hoyt Street and State Street, except while crossing such a street at a crosswalk.

A person may ride a skateboard or roller skates on a sidewalk, street or other area that is not restricted as provided in this subsection (2) provided such person shall at all times obey all rules otherwise applicable to the operation of bicycles in the City of Harbor Springs, must yield the right of way to vehicles and pedestrians and shall at all times skate and/or operate such skateboard in a safe and careful manner that shall not threaten or cause injury or damage to persons or property.

(3) A person who violates a rule set forth in this Section 92.204 is responsible for a civil infraction and subject to a penalty of \$75 for a first offense, \$200 for a second offense and \$300 for a third or greater offense, plus court costs.”

Section 2

The provisions of this ordinance supersede any contrary provision in the Uniform Traffic Code as adopted by the City of Harbor Springs.

Section 3

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

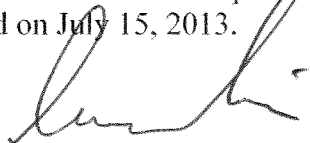
Section 4

This ordinance shall take effect ten days after its adoption and publication.

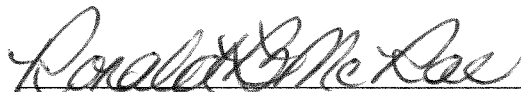
Section 5

A copy of this Ordinance may be purchased or inspected during normal business hours at City Hall, 160 Zoll Street, Harbor Springs, Michigan.

We hereby certify that the foregoing is a true copy of an ordinance adopted by the City Council of the City of Harbor Springs at a regular meeting held on July 15, 2013.



Al Dika, Mayor



Ronald B. McRae, City Clerk

I hereby certify that the publication of Ordinance Number 386 was made in the July 17, 2013, issue of the *Harbor Light*, a weekly newspaper published and circulated in the City of Harbor Springs.



Ronald B. McRae, City Clerk