

EMERGENCY ORDINANCE EO-03-5

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF
CHESAPEAKE BEACH, MARYLAND ADOPTING SECTION 35-106,
MOTORIZED SCOOTERS AND SKATEBOARDS PROHIBITED
ON PUBLIC PROPERTY, OF THE TOWN CODE OF CHESAPEAKE BEACH**

WHEREAS, Chesapeake Beach is a municipal corporation in the State of Maryland, organized and operating under a Charter adopted in 1963, in accordance with Article X1-E of the Constitution of Maryland (1990 Repl. Vol. And 2002 Cum. Supp.), and Article 23A of the Annotated Code of Maryland (1988 Repl. Vol. And 2002 Cum. Supp.) (“Article 23A”), the Charter being published in Volume II of the Municipal Charters of Maryland; and

WHEREAS, gasoline and electric powered motorized scooters and skateboards are motor vehicles; and

WHEREAS, the public areas of the Town were not designed for the operation and use of motorized scooters and skateboards; and

WHEREAS, the operation of motorized scooters and skateboards on public areas not designed for high speed transport poses a threat to the health, safety, and welfare of both the operator and the citizens of the Town; and

WHEREAS, the operation of motorized scooters and skateboards on public areas not designed for such transport prohibits the use and enjoyment of the said public areas by the citizens of the Town; and

WHEREAS, the operation of motorized scooters and skateboards on public areas not designed for such transport can damage public property; and

WHEREAS, the Mayor and Town Council of Chesapeake Beach have determined that restricting the use of motorized scooters and skateboards in the public areas of the Town could benefit the health safety, and welfare of the citizens of Chesapeake Beach, Maryland; and

WHEREAS, in accordance with Section C-309 of the Charter, as least five (5) council members by their affirmative vote, hereby suspend the provision of Section C-309 prohibiting passage of an Ordinance at the meeting at which it is introduced and introduce this Ordinance as an Emergency Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF CHESAPEAKE BEACH, MARYLAND, THAT: Section 35-106, Motorized Scooters and Skateboards Prohibited on Public Property, is hereby adopted, to be included within the Town Code of Chesapeake Beach, as set forth below:

Chapter 35

Prohibited Conduct

§35-106 Motorized Scooters and Skateboards Prohibited on Public Property.

(a) Definitions. For the purpose of this section, the following terms shall be defined as provided herein:

1. “Motorized Scooters” means a long footboard between end wheels controlled by an upright steering handle attached to the front wheel and propelled with a liquid fuel or electric motor.
2. “Motorized Skateboard” means a single platform mounted on wheels and propelled by a liquid fuel or electric motor.
3. “Public Property” means an area or structure owned or operated by the Town of Chesapeake Beach, including but not limited to public parks, sidewalks, alleys, streets, rights of way, walkways, and parking lots.

(b) Prohibition on Operating a Motorized Scooter or Skateboard on Public Property. It shall be unlawful to operate a Motorized Scooter or Skateboard on public property. Any person violating the provisions of this section shall be guilty of a municipal infraction, and upon conviction thereof, is subject to a fine of \$100.00.

BE IT FURTHER RESOLVED, that the Council recognizes that motor scooters and skateboards are regulated by the Maryland Transportation Code and that any application of that Code shall preempt and supercede the provisions of this ordinance, should they be in conflict. It is the intent of the Council to prohibit the use of motorized scooters and skateboards in all public properties not covered by the effect of the Maryland Transportation Code, as may be amended.

BE IT FURTHER RESOLVED, that this ordinance shall become effective on July 17, 2003.

AS CERTIFIED by their signatures below, the members of the Town Council affirm that this Ordinance was introduced as an Emergency Ordinance at the Town Council meeting held on the 17th day of July, 2003 and that a vote was taken in accordance with Section C-309 of the Town Charter. The vote of the Council was tallied and 5 votes of approval and 0 votes of disapproval were cast. The resulting majority of the Council, approved the passage of this Emergency Ordinance this 17th day of July, 2003, to become effective on this 17th day of July, 2003.