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May 2, 2006

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Lower Windsor Township Police Department
400 RD 1
Wrightsville, PA 17368

Re: East Prospect Borough Skateboarding Ordinance.

Dear Sirs:

As solicitor for East Prospect Borough, I have been asked to review the East Prospect Borough Skateboarding Ordinance and provide an opinion on the same. It is my understanding that officers in your Department believe that the Ordinance may be open to interpretation as to when and where skateboarding may be permitted.

My review of the Skateboarding Ordinance reveals that it is relatively clear and may be subject to interpretation, but that general rules of construction for interpretation of ordinances would yield a consistent reading of the Ordinance.

Section 2 generally prohibits skateboarding on any sidewalk and street within the Borough of East Prospect. However, Section 3 states that a person may skateboard upon any public thoroughfare, street or sidewalk during the hours between sunrise and sunset. Although Section 2 and Section 3 appear to be inconsistent, they must be read in conjunction to determine the intent of the Ordinance. The law does not permit or allow an illogical or absurd result when interpreting ordinances, so the sections must be read together to achieve a logical result.

Accordingly, although Section 2 prohibits skateboarding on public streets and sidewalks, Section 3 makes it unlawful to skateboard in such locations at certain times. The only possible reading of these two sections is that skateboarding is permitted on public streets and sidewalks between sunrise and sunset, but is prohibited at all other times. Any other reading of these two sections would effectively nullify one or the other section, which is not a reading permitted by the laws of construction/interpretation.

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I hope that this letter clarifies the interpretation of the Skateboarding Ordinance for your police department and will permit the officers to enforce it accordingly. However, should the Department still feel that its concerns with regard to the Ordinance have not been addressed, please advise of any issues with the language and I will look at those with the Borough Council to determine whether an amendment of the Ordinance should be pursued.

If you have any additional questions or have any comments, please do not hesitate to contact me.

Very truly yours,

STOCK AND LEADER

A handwritten signature in black ink that reads "David A. Jones, II". The signature is written in a cursive style with a large, prominent "D" and "J".

David A. Jones, II

DAJ/cmt

cc: Borough Council of East Prospect ✓

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