

**Borough of Forest City
County of Susquehanna
ORDINANCE NO. # 530**

**AN ORDINANCE OF THE BOROUGH OF FOREST CITY,
SUSQUEHANNA COUNTY, PENNSYLVANIA,
DESIGNATING CERTAIN MUNICIPAL ROADWAYS AS
ATV ROADS AND ESTABLISHING REGULATIONS FOR
THE OPERATION OF ALL-TERRAIN AND UTILITY
TASK VEHICLES THEREON**

WHEREAS, the Borough of Forest City (hereinafter the "Municipality") is a borough duly organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, 75 Pa.C.S. § 7722(a) authorizes local authorities to designate any highway, road, or street within their jurisdiction as an ATV road and to determine whether such road shall be closed to vehicular traffic or whether ATVs and UTVs may share the designated road with vehicular traffic; and

WHEREAS, the general rule under Pennsylvania law prohibits the operation of ATVs and UTVs on streets or highways not designated and posted as ATV roads by the governmental agency having jurisdiction; and

WHEREAS, the Municipality has determined that permitting the operation of ATVs on certain designated municipal roadways will serve the public interest by providing safe recreational opportunities and facilitating local transportation for residents; and

WHEREAS, the Municipality has the authority to enact such regulations as are necessary to protect the health, safety, and welfare of its residents;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Forest City Susquehanna County, Pennsylvania, as follows:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Forest City Borough ATV Roadway Use Ordinance."

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

A. "All-Terrain Vehicle" or "ATV" means a motor vehicle designed for off-road use, having a seat designed to be straddled by the operator, handlebars for steering control, and the ability to traverse a variety of terrain conditions, as more fully defined in Chapter 77 of the Pennsylvania Vehicle Code, 75 Pa.C.S. § 7702.

B. "Designated ATV Roadway" means a municipal road, street, or highway designated pursuant to Section 3 of this Ordinance for ATV operation.

C. "Operator" means any person who operates, drives, or is in actual physical control of an ATV.

D. "Utility Task Vehicle" or "UTV" means a motor vehicle designed for various tasks, including work and recreational activities, designed to carry two (2) to six (6) passengers, a steering wheel, and the ability to traverse a variety of terrain conditions.

E. "Vehicle Code" means Title 75 of the Pennsylvania Consolidated Statutes, as amended.

SECTION 3. DESIGNATION OF ATV ROADWAYS

A. Authority to Designate

Pursuant to 75 Pa.C.S. § 7722(a), the Municipality hereby designates all municipal roads located (1) within the Borough of Forest City; and (2) on the eastern side of Main Street, including, but not limited to, Erie Street, Higgins Street, Lower Main Street, Railroad Street, Rear Railroad Street, and the portions of Center Street, Grand Avenue, North Street, South Street and State Route 247, that are east of Main Street, as ATV roads.

B. Shared Use

The designated ATV roadways shall remain open to vehicular traffic. ATVs and UTVs may share these designated roadways with other motor vehicles, bicycles, and pedestrians in accordance with the regulations set forth in this Ordinance.

C. Amendment of Designated Roadways

The Borough Council may from time to time, by resolution, add to or remove roadways from the list of designated ATV roadways, provided that adequate notice and posting requirements under Section 4 are satisfied prior to any such change taking effect.

SECTION 4. POSTING AND NOTICE REQUIREMENTS

A. Posting of Designated Roadways

Adequate notices of designation shall be posted in accordance with 75 Pa.C.S. § 7722(b). Such notices shall be:

1. Sufficiently and prominently displayed at each entrance to a designated ATV roadway and at intervals along the roadway as determined necessary by the Municipality;
2. Clearly visible to operators approaching the designated roadway;
3. Designed to indicate that the roadway is designated for ATV use and that ATVs may share the roadway with other vehicular traffic; and
4. Maintained in good condition and replaced as needed to ensure continued visibility.

B. Sign Specifications

Signs shall conform to the Pennsylvania Manual on Uniform Traffic Control Devices or such other specifications as may be adopted by the Municipality and shall include the designation "ATV ROAD – SHARED USE" or substantially similar language.

SECTION 5. REGISTRATION AND EQUIPMENT REQUIREMENTS

A. Valid Registration Required

No person shall operate an ATV or UTV on any designated ATV roadway unless the ATV or UTV is validly registered with the Commonwealth of Pennsylvania in accordance with 75 Pa.C.S. §§ 7711.1 or 7711.2 and applicable regulations.

B. Display of Registration

A valid registration plate shall be displayed on the upper half of the rear of the ATV or UTV in accordance with 17 Pa. Code § 51.13(b). The registration plate shall be:

1. Securely attached to the ATV or UTV;
2. Positioned so that no part of the plate is in line with a tire;
3. Displayed so that all information on the plate, including any required stickers, is clearly visible from behind the ATV or UTV; and
4. Accompanied by a valid expiration sticker affixed to a lower corner of the registration plate, unless the ATV or UTV has a valid temporary registration sticker or limited registration.

C. Equipment and Safety Standards

All ATVs or UTVs operated on designated ATV roadways shall comply with the equipment and safety requirements established by the Pennsylvania Department of Transportation and applicable provisions of the Vehicle Code.

SECTION 6. OPERATOR REQUIREMENTS

A. Helmet Requirement

Every operator and passenger on an ATV operated on a designated ATV roadway shall wear a securely fastened helmet that meets the standards and specifications established by the Department of Transportation for protective headgear for motorcycle riders at 67 Pa. Code Chapter 107.

B. Age and Licensing

Operators of ATVs or UTVs on designated ATV roadways shall comply with all age and licensing requirements established by state law and regulation.

C. Compliance with Vehicle Code

All operators of ATVs or UTVs on designated ATV roadways shall comply with Chapter 77 of the Vehicle Code relating to snowmobiles and all-terrain vehicles.

SECTION 7. RULES OF OPERATION

A. General Traffic Laws Applicable

Except as otherwise provided in this Ordinance or in Chapter 77 of the Vehicle Code, all operators of ATVs or UTVs on designated ATV roadways shall obey all traffic laws, regulations, and ordinances applicable to the operation of motor vehicles on municipal roadways, including but not limited to:

1. Obeying all traffic control devices;
2. Yielding the right-of-way as required by law;
3. Operating at speeds reasonable and prudent under existing conditions;
4. Using appropriate signals when turning or stopping; and
5. Exercising due care to avoid collisions with other vehicles, pedestrians, and property.

B. Prohibition on Unlawful Operation

It is unlawful to operate an ATV or UTV on any municipal roadway that is not designated and posted as an ATV road in accordance with this Ordinance.

C. Crossing Non-Designated Roadways

An ATV or UTV may make a direct crossing of a municipal roadway that is not a designated ATV roadway upon compliance with the requirements set forth in 75 Pa.C.S. § 7721(c), including:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing;
2. The ATV or UTV is brought to a complete stop before crossing the shoulder or main-traveled way of the roadway;
3. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
4. In crossing a divided roadway, the crossing is made only at an intersection of such roadway with another public street or highway.

D. Sound Level Limits

No person shall operate an ATV or UTV on a designated ATV roadway that produces an excessive sound level.

E. Hours and Dates of Operation

ATV and UTV operation on designated ATV roadways is permitted daily between the hours of 8:00 a.m. and 8:00 p.m. and may occur only during the season for trail use as defined by N.E.P. Sno Trails (generally between April 15 and September 15).

F. Prohibition on Reckless or Careless Operation

No person shall operate an ATV or UTV on a designated ATV roadway in a reckless, careless, or negligent manner that endangers or is likely to endanger any person or property.

SECTION 8. LIABILITY

Pursuant to 75 Pa.C.S. § 7722(c), there shall be no liability imposed on the Municipality or any other political subdivision of the Commonwealth of Pennsylvania as a result of designating any highway, road, or street as an ATV road as provided in this Ordinance.

SECTION 9. ENFORCEMENT

A. Enforcement Authority

This Ordinance shall be enforced by the Forest City Borough Police Department, Pennsylvania State Police, and such other officers as may be authorized by the Municipality.

B. Violations and Penalties

1. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than Six Hundred Dollars (\$600.00), plus costs of prosecution.
2. In addition to any fines and penalties imposed, the Municipality may seek injunctive relief to prevent continuing violations of this Ordinance.

C. Impoundment

Any ATV or UTV operated in violation of this Ordinance may be impounded by authorized enforcement personnel, and the owner or operator shall be responsible for all costs associated with such impoundment, storage, and release.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. REPEALER

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective September 8, 2026.

ENACTED AND ORDAINED this 3 day of August, 2026.

BOROUGH OF FOREST CITY

By: 

ATTEST:

