

ORDINANCE NO. 02 - 2007

**TOWNSHIP OF MORGAN
GREENE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF MORGAN,
GREENE COUNTY, PENNSYLVANIA TO PROMOTE THE
PUBLIC HEALTH, SAFETY AND GENERAL WELFARE AND
THEIR PROPERTY BY REGULATING THE OPERATING OF
RECREATIONAL VEHICLES AS DEFINED IN SAID
ORDINANCE WITH THE TOWNSHIP; TO PROVIDE FOR
THE ENFORCEMENT OF SAID ORDINANCE AND
PENALTIES FOR THE VIOLATION OF SAID ORDINANCE;
AND TO AMEND OR REPEAL ANY OTHER ORDINANCE OR
PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Morgan Township,
Greene County, Pennsylvania, pursuant to the general powers permitted by the Second Class
Township Code (53 P.S. §65101) the following:

SECTION 1. TITLE.

This Ordinance shall be known as the "Recreational Vehicle Regulation Ordinance of Morgan
Township".

SECTION 2. PURPOSE.

The purpose of the within ordinance is to regulate and control the operation and use of
recreational vehicles within the said township for the protection of the health, safety and general
welfare of the residents, property owners, visitors and others within said township.

SECTION 3. DEFINITIONS.

The following terms, when used in the within ordinance, shall have the following meanings:

OPERATOR - any person who operates or is in actual physical control of a snowmobile or any
other recreational vehicle described in said ordinance.

OWNER - means any of the following:

1. A person who holds the legal title to a snowmobile or any other recreational vehicle described in said ordinance.
2. A vendee or lessee of the snowmobile or any other recreational vehicle described in said ordinance, which is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
3. A person renting a recreational vehicle or having the exclusive use of a recreational vehicle.

OPERATE - to ride in or on and to be in actual physical control of the operation of the recreation vehicle.

PERSON - an individual, partnership, corporation, the State or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.

RECREATIONAL VEHICLE - all terrain vehicles, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, bicycles, cars, trucks and any other type of recreational vehicle and any motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.

DEALER - any person engaged in the sale, lease or rental of all terrain vehicles , four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, bicycles, cars, trucks and all other type of recreational vehicle and snowmobiles as a regular business.

HIGHWAY or STREET - the entire width between the boundary lines of every way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel.

ROADWAY - that portion of a highway improved, designated or ordinarily used for vehicular travel. If a highway includes two or more separate roadways, the term roadway refers to any such roadway separately, but not to all such roadways collectively.

RIGHT-OF-WAY - that portion of a highway less the roadway and any shoulder.

SHOULDER - that portion of a highway on either side of the roadway which is normally snowplowed for the Safety and convenience of vehicular traffic.

PRIVATE PROPERTY - used for farming or other use.

SECTION 4. REGULATIONS.

No person shall operate and no owner or dealer shall permit the operation of all terrain vehicles, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, bicycles, cars, trucks and any other type of recreational vehicle and snowmobiles upon a public highway, land used as farm or play area, or street, or on a public or private parking lot not specifically designed for the use of vehicles, except under the following special allowances:

1. The supervisors, any police officer or ordinance or law enforcement officer may authorize the use of such vehicles described in Section 3, on a public highway or street when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
2. A person may operate such vehicles described in Section 3, on a highway for a special event of limited duration, conducted according to a pre-arranged

schedule, if he or she first obtains a permit from the township board which shall only be granted if said board is of the opinion that the same can be operated in a safe, non-destructive manner and without thereby creating a nuisance or hazard to persons or property.

3. On private property not owned, leased or under the control of the operator unless the operator has the express consent on the owner, losses or other person in control of said property, except in case of an emergency when other means of travel are not feasible or possible.
4. On public school grounds, parks, playgrounds, recreational areas, golf courses and other public lands (other than state owned lands where such operation is authorized by statute), without the express consent of the public authority in charge of such lands or premises, except where such operation is absolutely necessary in an emergency when other means of travel are not feasible or possible.
5. At a speed greater than is reasonable and proper, having due regard for conditions then existing.
6. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
7. During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and a lighted tail light.

8. In any forest nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or as a natural dedicated area.
9. On the frozen surface of public waters within 100 feet of a person, including but not limited to a skater, not in or upon a snowmobile or recreational vehicle, or within 100 feet of a fishing shanty or shelter, except at the minimum speed, or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen public water.
10. Unless such vehicle described in Section 3 of this ordinance is equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA (decibels on the "A" scale) on a sound meter having characteristics defined by American Standards Association SI, 4-1966 "General Purpose Sound Meter."
11. Within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m., at a speed greater than minimum required to maintain forward movement of the vehicle.
12. In or upon premises which are fenced, otherwise enclosed in or a manner to exclude intruders, private property, not posted, in a conspicuous manner or when notice against trespass is personally communicated to the operator by the owner of the promises or other authorized persons.

13. In any area on which public hunting is permitted during the season open to the taking of deer with firearms from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., except during an emergency for lawful enforcement purpose, to go to and from a permanent residence or a hunting camp otherwise inaccessible by conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on the operator's own property under his control or as an invited guest of an owner or person in control of said property.
14. While transporting a bow, unless unstrung, or a firearm, unless securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.
15. On or across a cemetery or burial ground.
16. Within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area or for medical emergencies.
17. On a railroad or railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.
18. Unless it has at least one headlight, one tail-light and adequate brakes capable of stopping the vehicle.

SECTION 5. ENFORCEMENT.

Any police officer, peace officer or ordinance enforcement officer of the township is authorized to issue non-traffic citation for violations of the within ordinance.

SECTION 6. SAVINGS CLAUSE.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 7. PENALTY.

Any violation of this ordinance shall constitute a summary offense and any person, firm or corporation found guilty of such violation shall be fined in the discretion of the Court up to \$300.00 or imprisoned in the County Jail for up to 90 days or both. Each day that a violation continues to exist shall constitute a separate offense.

Any person guilty of a violation of the within ordinance shall also be subject to civil proceedings for damages and/or injunctive relief by the property owner, firm or corporation injured or damaged by such violations.

Both criminal and civil proceedings may be commenced against, a person violating the within ordinance and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against such violator.

The burden of proof is required by the Defendant to prove he/she had permission to ride a recreational vehicle upon any property except their own property.

SECTION 8. SEVERABILITY.

The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance shall be held illegal, invalid, unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or phrases of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this

Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause or phrase not been included herein. Furthermore, it is the intent of this Ordinance to be supplementary to and not contrary to any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.

SECTION 9. REPEALER.

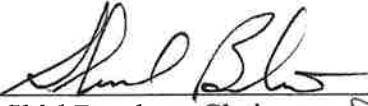
All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

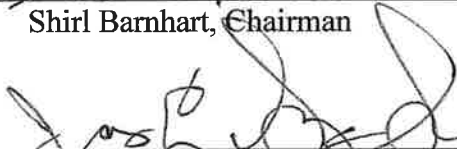
SECTION 10. EFFECTIVE DATE.

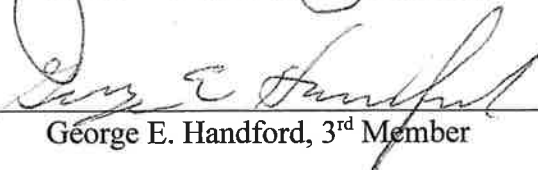
This Ordinance shall take effect five (5) days after the adoption thereof.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of Morgan Township, Greene County, Pennsylvania, this 1st day of May, 2007.

**TOWNSHIP OF MORGAN
BOARD OF SUPERVISORS**

By: 
Shirl Barnhart, Chairman

By: 
James E. Gayman, Vice-Chairman

By: 
George E. Handford, 3rd Member

ATTEST:


Relda K. Litten, Secretary/Treasurer

(SEAL)