

ORDINANCE NO. 05-26-01

RECREATIONAL VEHICLES REGULATION

AN ORDINANCE OF THE TOWNSHIP OF CLEARFIELD, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS AND PROPERTY BY REGULATING THE OPERATION OF RECREATIONAL VEHICLES WITHIN THE TOWNSHIP OF CLEARFIELD, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE DESIGNATION OF ROADWAYS WITHIN THE TOWNSHIP OF CLEARFIELD FOR THE USE OF RECREATIONAL VEHICLES; TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO AMEND OR REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Pennsylvania Second Class Township Code, 53 P.S. §65101 et seq., authorizes the Township of Clearfield (the “Township”) to regulate highway streets and roadways within the Township’s borders;

WHEREAS, the Pennsylvania All-Terrain Vehicles Law, 75 Pa.C.S. §7701 et seq., permits the Township to permit the shared use of roadways within the Township’s borders by motor vehicles and recreational vehicles as hereinafter defined; and

WHEREAS, the Supervisors for the Township have determined that it would be in the best interest of the Township’s residents and visitors if certain roadways within the Township were designated as shared use roads.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Supervisors of the Township of Clearfield, County of Butler, Pennsylvania, as follows:

SECTION 1: Incorporation of Recitals. All foregoing recitals are incorporated herein and made a part of this Ordinance.

SECTION 2: Title. This Ordinance shall be known and cited as the “Recreational Vehicle Regulation Ordinance.”

SECTION 3: Definitions. The following terms when used in this Ordinance shall have the following meanings:

- A. **Operator.** Operator shall mean any person who operates or is in physical control of a recreational vehicle.
- B. **Owner.** Owner means any of the following:

- i. A person who holds legal title to a recreational vehicle;
 - ii. A vendee or lessee of a recreational vehicle, 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; and/or
 - iii. A person renting a recreational vehicle or having exclusive use of a recreational vehicle.
- C. **Operate.** Operate shall mean ride in or be in actual physical control of the operation of a recreational vehicle.
- D. **Person.** Person shall mean an individual, partnership, corporation or other legal business entity, any unincorporated association of persons, and the Commonwealth and any of its agencies or subdivisions.
- E. **Recreational Vehicle.** Recreational vehicle shall mean all-terrain vehicles and ultra-terrain vehicles which are primarily designed for off-road use.
- F. **Roadway.** Each Roadway shall mean the portion of any highway, street or roadway improved, designed or ordinarily used for vehicular travel and owned and maintained by Clearfield Township. If a highway, street or roadway involves two or more separate highways, streets or roadways, the term "Roadway" refers to any such roadway separately, but not to all such roadways collectively.
- G. **Right of Way.** Right of way shall mean the portion of a Roadway and any shoulder.
- H. **Shoulder.** Shoulder shall mean that portion of a Roadway on either side of the highway, street or roadway which is normally snow plowed for the safety and convenience of vehicular travel.
- I. **Private Property.** Private property shall mean any land, rights of way, roads or other real property owned, maintained or otherwise under the control of any person or entity other than the Township, and not available for general use by the public.

SECTION 4: Designation of Roadways. The designation of Roadways shall be and are hereby designated as ATV roads and hereinafter such Roadways shall be designated as "Joint Use Roads" where Recreational Vehicles shall share the Roadway with other licensed motor vehicles pursuant to and subject to the provision of the Pennsylvania All-Terrain Vehicle Law, 75 Pa.C.S. §7701 et seq., and any and all regulations promulgated thereunder.

SECTION 5: Regulations. Regulations mean any of the following:

- A. Any Person who Operates a Recreational Vehicle within the Township shall do so only in full compliance with the provisions of the Pennsylvania All-Terrain Vehicle Law, 75 Pa.C.S. §7701 et seq., including but not limited to registration and licensing;
 - i. Registration and license issued by Department of Conservation and Natural Resources (DCNR),
 - ii. Liability insurance,
 - iii. Possession of valid driver's license,
 - iv. Approved helmet must be worn by operator,
- B. No Person shall Operate and no Owners or dealer shall permit the Operation of Recreational Vehicles under the following conditions, circumstances or at the following locations;
 - i. On private property not owned, leased or under the control of the Operator unless the Operator has the express consent of the Owner, lessee or other person in control of said property, except in the case of an emergency when other means of travel are not feasible or possible;
 - ii. On public grounds, parks or playgrounds and recreational areas (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 for such operations absolutely necessary in an emergency when other means of travel are not feasible or possible;
 - iii. At a speed greater than is reasonable and proper, having due regard for conditions then existing and not to exceed the posted speed limit;
 - iv. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol;
 - v. All recreation vehicles must have a working headlight and taillight, and the headlight and taillight must be illuminated at all times;
 - vi. Unless such Recreational Vehicles are equipped with a muffler in good working order and in constant operation from which noise emission is not unreasonably loud;
 - vii. Within one hundred feet of a dwelling between 12:00 midnight and 6:00 a.m. at a speed greater than the minimum required to maintain forward movement of the Recreational Vehicle;
 - viii. In or upon premises which are fenced or otherwise enclosed in a manner to exclude intruders, private property posted in a conspicuous manner, or when notice against trespass is personally communicated to the Operator by the Owner of the premises or other authorized persons; and/or
 - ix. On or across a cemetery or burial ground.

SECTION 6: Enforcement. Any police officer having jurisdiction within the Township is authorized to issue non traffic citations for violations of this Ordinance.

SECTION 7: Penalty. Any person who shall violate any provision of this Ordinance shall upon summary conviction for a first offense and summary conviction for each subsequent offense shall be fined at the discretion of the court up to \$300.00 or imprisoned in the county jail for thirty (30) days or both. Each day that an offense continues shall be considered a new and separate offense under this Ordinance.

SECTION 8: Repealer. Any ordinances, rules or resolutions or parts of ordinances in conflict herewith are repealed.

SECTION 9: Effective Date. This Ordinance shall be effective immediately upon proper execution by the Board of Supervisors or as soon as may otherwise be permitted by applicable law.

ATTACHMENT: Pennsylvania's All-Terrain Vehicle Law 75 PA C.S. §7701 et seq.,