

RECREATION VEHICLE ORDINANCE # 1-2000

TO PROTECT THE PROPERTY OWNERS FROM DAMAGE ENCOUNTERED BY VEHICLES OF THE RECREATIONAL TYPE DESCRIBED IN THIS ORDINANCE.

BOROUGH OF HARRISVILLE

BUTLER COUNTY, PENNSYLVANIA

To the Residents, Property Owners and other interested persons in the Borough of Harrisville, Butler County, Pennsylvania.

PLEASE TAKE NOTICE that on Feb. 7, 2000 the Borough Council of said Borough adopted the following Ordinance # 1-2000, entitled RECREATIONAL VEHICLES REGULATION ORDINANCE to take effect on \_\_\_\_\_.

\*\*\*\*\*

Borough of Harrisville  
Butler County, Pennsylvania

ORDINANCE # 1-2000

"RECREATIONAL VEHICLE ORDINANCE"

Adopted: 2/7/2000  
Effective: upon advertisement

An ORDINANCE to protect the public health, safety and general welfare and their property by regulating the operating of recreational vehicle as defined in said Ordinance within the Borough of Harrisville, Butler County, Pennsylvania; to provide for the enforcement of said Ordinance and penalties for the violation of the same; and to amend or repeal any other Ordinances or parts of Ordinances in conflict therewith.

The Borough of Harrisville, County of Butler, Pennsylvania ordains:

SECTION I. NAME

This Ordinance shall hereafter be known and cited as the "RECREATIONAL VEHICLE REGULATION ORDINANCE" of the Borough of Harrisville.

## SECTION II. PURPOSE

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

## SECTION III. DEFINITIONS

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

a. "OPERATOR"--means any person who, 16 years of age or older, operates or is in actual physical control of a snowmobile or any other recreational vehicle described in said Ordinance.

b. "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.

c. "OPERATE"--means to ride in or on and to be in actual physical control of the operation of the recreational vehicle.

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

e. "RECREATIONAL VEHICLE"--means all terrain vehicles, snowmobiles, three wheelers 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 ski's, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.

f. "DEALER"--means 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 any other type of recreational vehicle and snowmobiles as a regular business.

g. "HIGHWAY OR STREET"--means 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.

h. "ROADWAY"--means 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.

i. "RIGHT-OF-WAY"--means that portion of a highway less the road-way and any shoulder.

j. "SHOULDER"--means that portion of a highway on either side of the roadway which is normally snow-plowed for the safety and convenience of vehicular traffic.

k. "PRIVATE PROPERTY"--means used for farming or other use.

l. "REGISTERED VEHICLE"--means that ATV's and snowmobiles must be registered with the Borough and with the Department of Conservation, as applicable, such that the owner of the vehicle must provide their name, address, phone number, all driver's names, driver's licenses, date of birth, social security number and a full description of the vehicle.

#### SECTION IV. REGULATIONS

No person shall operate and now 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 under the following conditions, circumstances or at the following locations.

a. Upon a public highway, land used as farm or play areas, or street, or on a public or private parking lot not specifically designed for the use of vehicles described in Section 3, except under the following conditions and circumstances:

1. The council, 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 Borough Counsel 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.

b. On private property now 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 case of an emergency when other means of travel are not feasible or possible.

c. 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.

d. At a speed greater than is reasonable and proper, having due regard for conditions than existing.

e. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.

f. 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.

g. 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.

h. 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.

i. Unless such vehicles 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 a 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."

j. Within 100 feet of a dwelling between 10:00 P.M. and 6:00 A.M., at a speed greater than minimum required to maintain forward movement of the vehicle.

k. 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 premises or other authorized persons.

l. 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 purposes, 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.

m. On or across a cemetery or burial ground.

n. Within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area or for medical emergencies.

o. On a railroad or railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.

p. Unless it has at least one headlight, one tail-light and adequate brakes capable of stopping the vehicle.

## SECTION V. DESIGNATED SNOWMOBILE AND ATV ROADS

The council hereby designates Prarie and Church Street as located within the Borough of Harrisville as designated snowmobile and ATV roads for the purpose of entering and exiting the Borough only. Registered vehicles and operators shall sign the Statement which shall accompany the Registration forms which shall indicate that the use of the designated streets shall be for entering and exiting purposes only.

## SECTION VI. ENFORCEMENT

Any police officer, peace officer or ordinance enforcement officer of the Borough is authorized to issue Non-traffic Citation for violations of the within Ordinance.

## SECTION VII. SAVINGS CLAUSE

The provision 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 VIII. PENALTIES

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 IX. CONFLICTING PROVISIONS

Any Ordinance or part of an Ordinance in conflict herewith is hereby repealed.

SECTION X. EFFECTIVE DATE

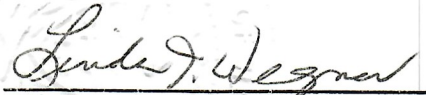
This Ordinance shall take effect on full advertisement.

COUNCIL CHAIRMAN OF  
HARRISVILLE BOROUGH



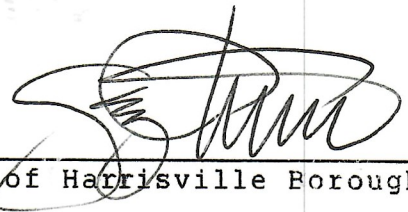
\_\_\_\_\_  
Council Chairman

ATTEST



\_\_\_\_\_  
Secretary

Seal



\_\_\_\_\_  
Mayor of Harrisville Borough