

ORDINANCE NO. 4 - 2009

**AN ORDINANCE OF STROUD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA,
SETTING FORTH RULES AND REGULATIONS FOR ALL-TERRAIN VEHICLES, DIRT
BIKES, AND OTHER MOTORIZED RECREATIONAL VEHICLES.**

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General powers", authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the township, and the maintenance of the health and welfare of the township and its citizens; and

WHEREAS, it is the desire of the Board of Supervisors to provide for the regulation of the use of all-terrain vehicles, dirt bikes, and other motorized recreational vehicles, to moderate the detrimental impact of noise and annoyance to adjoining and adjacent property owners and residents, as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION 1: Title. This chapter shall be known and may be cited as the "Ordinance Regulating the Use of All-Terrain Vehicles, Dirt Bikes and Other Motorized Recreational Vehicles in the Township of Stroud, Monroe County, Pennsylvania."

SECTION 2: Purpose. The purpose of the within ordinance is to regulate and control the operation and use of all-terrain vehicles, dirt bikes, and other motorized recreational vehicles within Stroud Township for the protection of the health, safety and general welfare of the residents, property owners, visitors and others within Stroud Township.

SECTION 3: Definitions. As used herein, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE or ATV - A motorized off-road vehicle which travels on three or more inflatable tires as defined in the Pennsylvania Motor Vehicle Code.

DIRT BIKE - A motorized off-road vehicle, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

OPERATE - To ride in, on or upon and/or to be in actual physical control of the functioning or movement of an ATV, dirt bike, go-cart, motorized scooter, or any other motorized vehicle used for recreational purposes or off-road.

OWNER - A person, other than a lienholder, having the property or title to an ATV, dirt bike, or any other motorized off-road vehicle.

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

PUBLIC PROPERTY - The entire width between boundary lines of any area or place that is owned or controlled by the Commonwealth and/or the Township of Stroud, its agencies or subdivisions.

RECREATIONAL VEHICLE - Any all-terrain vehicle, dirt bike, motor bike, trail bike, motorized scooter, go-cart, dune buggy, four-wheel drive vehicle operated off public roads, or any other motorized vehicle used for recreational or off-road purposes. This term does not include off-road motor vehicles used exclusively as utility vehicles for agricultural or business operations, equipment used for property maintenance or construction, emergency and law enforcement vehicles, golf carts, boats and battery-operated toy vehicles manufactured for children under 10 years old and/or for a rate speed not to exceed five (5) miles per hour.

REGULATED VEHICLE - An ATV, dirt bike, recreational vehicle, snowmobile, or other motorized recreational vehicle as defined by this ordinance.

ROADWAY - That portion of a highway (or railroad) less the roadway (or railroad tracks) and any shoulder.

SNOWMOBILE - An engine-driven vehicle of a type which utilized sled-type runners, or skis, or an endless belt tread or any combination of these or similar means of contact with the surface upon which it is operated.

TRAFFICWAY - The entire width between the boundary lines or other boundary lines of every way or place of which any part is open to the public for the purposes of vehicular travel as a matter of right or custom.

SECTION 4: Prohibited Acts. It shall be unlawful for any person to willfully operate an ATV, dirt bike, recreational vehicle or snowmobile, or any other motorized vehicle used for recreational or off-road purposes within the Township of Stroud as follows:

A. On any private property generally open to the public, such as shopping centers and/or malls.

B. On any public or school grounds, park property, playgrounds, recreational areas, cemeteries and/or burial grounds, and/or golf courses without the express written permission to do so by the proper public authority.

C. On any public sidewalk or street or public right-of-way.

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

E. On any roadway or trafficway as defined herein unless said roadway is a state highway specifically designated as an ATV or snowmobile road by the Pennsylvania Department of Transportation.

F. Between the hours of 9:00 p.m. and 7:00 a.m., prevailing time, regardless of whether the operator is upon the private property of the operator or on the private property of another person or entity who has granted permission to the operator of a regulated vehicle.

G. Within two hundred fifty (250') feet of a dwelling on an adjoining or adjacent property unless the operator can demonstrate that the regulated vehicle(s) will be operated at a sound pressure level no greater than sixty decibels (60 dBA) at the adjoining or adjacent property lines where a dwelling(s) is/are located within two hundred fifty (250') feet of the Regulated Vehicle operation boundary line as described in Section 6C herein. Such demonstration shall occur prior to the issuance of the Regulated Vehicle permit.

H. Without a standard muffler. Standard mufflers must be properly attached and unmodified to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device.

I. In violation of Chapter 77 of the Pennsylvania Vehicle Code.

J. If operated on wetlands or slopes thirty percent (30%) or greater, or in ponds, vernal pools, lakes, streams or other environmentally sensitive or historic areas identified in plans, maps or ordinances adopted by the Board of Supervisors.

K. Without boundary line markings of the regulated vehicle(s) operation area pursuant to Section 6 below.

Nothing contained herein shall be construed to apply to law enforcement officials while engaged in the performance of their official law enforcement duties.

SECTION 5: Exemptions. No person shall operate a regulated vehicle, nor shall an owner permit a regulated vehicle to be operated in the Township of Stroud except as follows: On any public roadway or trafficway during an emergency declared by the Board of Supervisors or by the Chief of Police or a special event authorized by the Board of Supervisors allowing a regulated vehicle(s). Any operation of a regulated vehicle(s) during such declared emergency or authorized special event shall be operated in the safest manner possible by a safety-certified and liability-insured operator wearing a fastened safety helmet at their sole risk.

SECTION 6: Permit Requirements.

A. The operator of a regulated vehicle(s), or an owner of property granting permission to an operator of a regulated vehicle(s), shall apply for, and have an approved, Regulated Vehicle permit for the use of a regulated vehicle(s) on a specific parcel(s) in the township.

B. The Regulated Vehicle permit applicant shall disclose the operator(s) of a regulated vehicle(s) and shall provide the following at time of application: a copy of the regulated vehicle(s) registration, proof of the operator's liability insurance, and a plot plan depicting the boundary line of regulated vehicle operation area no less than two hundred fifty (250') feet from an adjoining or adjacent dwelling, or the operation area boundary line where the regulated vehicle(s) will not exceed sixty decibels (60 dBA) at adjoining or adjacent property lines where a dwelling(s) is/are located within two hundred fifty (250') feet.

C. Prior to the issuance of a Regulated Vehicle permit, the owner of property upon which a regulated vehicle(s) will be operated is responsible to have the boundary line of regulated vehicle(s) operation area marked with red, yellow or orange cones on the ground no more than one (1) every one hundred (100) feet apart, and/or red, yellow or orange tape, cloth or plastic no less than three (3) feet above grade and no more than one (1) every one hundred (100) feet apart, according to the plot plan submitted with the Regulated Vehicle permit application. Operation area boundary line markings shall remain in place, and shall be replaced if removed for any reason, until such use of the property is terminated. Markings described herein are not required where a dwelling on an adjoining or adjacent property is more than two hundred fifty (250') feet from a property line nearest to the parcel where the regulated vehicle(s) is permitted.

D. The Regulated Vehicle permit applicant shall pay a permit fee as established by the Board of Supervisors.

E. Permit Revocation - All rights and privileges acquired under the provisions of this ordinance are revocable for failure to comply with its provisions. All permits issued pursuant to this ordinance are hereby subject to this provision.

! **SECTION 7: Impoundment.**

A. When a code or law enforcement officer issues a citation for a violation under this ordinance, the officer may impound the regulated vehicle operated by the person who received the citation if, in the judgment of the officer, based on actual previous offenses by the operator or other considerations, the operator will continue to operate the vehicle in violation of this ordinance, and such operation may be a hazard to the safety of persons or property. An officer may impound a regulated vehicle for the purpose of establishing proof of ownership, if such ownership is not evident by any registration or other document on the person of the operator.

B. The owner may reclaim their vehicle subsequent to twenty four (24) hours after the issuance of the citation upon proof of ownership and payment of costs of impoundment and towing fee to the towing agency impounding the vehicle.

SECTION 8: Violations and Penalties.

A No person shall violate any portion of this Ordinance.

B. Prosecution under this Ordinance shall be instituted by the Code Enforcement Officer, or any other township official, and shall be filed in the name of Stroud Township, Monroe County, Pennsylvania.

C. Enforcement shall be by an action brought before a Magisterial District Judge in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The township solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rule of Criminal Procedure No. 454(c) (relating to trial in summary cases).

D. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof by a Magisterial District Judge, be guilty of a summary offense, and shall be sentenced to pay a fine of not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars, together with costs, for the first violation, not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars, together with costs, for the second, and up to one thousand (\$1,000.00) dollars, together with costs, for subsequent violations. Each day that a violation exists shall constitute a separate offense. In default in the payment of any fine imposed hereunder, the defendant shall be sentenced to undergo imprisonment for a period not exceeding thirty (30) days.

E. All fines and penalties collected for any violation of this Ordinance shall be paid to the township treasurer.

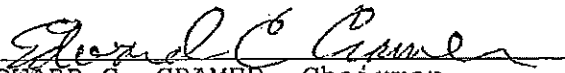
F. In addition to or in lieu of an enforcement action before a District Justice, the township may enforce this ordinance in equity. In the event an abatement notice has been issued, which is being violated, or in any other appropriate circumstance, the Code Enforcement Officer, or any other township official, is hereby authorized on behalf of the township to institute an action in equity for an injunction to enforce compliance herewith and/or to restrain continuous violations of this Ordinance.

SECTION 9: Validity. The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.


SECTION 10: Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Stroud this 16th day of June, 2009.

TOWNSHIP OF STROUD


EDWARD C. CRAMER, Chairman

(TOWNSHIP SEAL)


DARYL A. EPPEY Vice Chairman
and Secretary


JAMES L. DECKER, Roadmaster

OPERATION OF ATVs BY YOUTH

No one under 8 years of age shall operate an ATV on any state-owned property.

No person from age 8 to their 16th birthday shall operate an ATV except on lands of his parent or guardian, unless he or she has completed a prescribed ATV safety training course and received an ATV safety training certificate. Age 8 and 9 year old operators are restricted to an engine size of 70cc or less.

ATV SAFETY TRAINING COURSE

Safety training classes are given by trained volunteer instructors. All youth ages 8-15 who complete the course will receive a safety course certificate. For information on a safety instructor near you contact DCNR's Bureau of Forestry at (717) 783-7941.

ACCIDENT REPORTS

The operator of an ATV involved in an accident must stop and give his or her name and address, the name and address of the owner of the ATV and its registration number to the other person(s) involved in the accident or to a police officer.

If the accident results in the injury or death of any person or property damages to the estimated amount of \$100 or more, the operator must report the matter in writing within seven days to the DCNR, Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105. It is a violation of the Snowmobile/ATV Law to not report the accident to the DCNR.

Accident forms are available upon request from the Bureau of Forestry and State Park offices and state police stations.

LIABILITY INSURANCE

Liability insurance coverage is required for all ATVs that are required to have general registration. Proof of this coverage should be carried by the operator. The law does not specify a minimum dollar amount for this coverage. If you have questions about insurance coverage for ATVs contact the PA Dept of Insurance consumer hotline at 1-877-881-6388.

SNOWMOBILE & ATV FUND

All registration fees are deposited in a special Snowmobile/ATV Fund. DCNR uses monies from this fund to carry out the Snowmobile/ATV registration, safety education and law enforcement requirements of the Snowmobile/ATV Law, to develop and maintain trails on public land and to encourage trail development on private land through grants.

ENFORCEMENT

All law enforcement officers in the state, including local and state police, are authorized to enforce the Snowmobile/ATV Law. Municipal and state police have enforcement authority on private land.

FINES

Failure to register your ATV or obtain liability insurance may result in a fine of \$300.

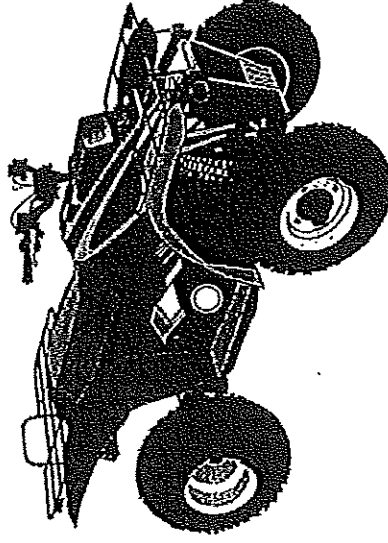
A violation of other provisions of the Snowmobile/ATV Law is punishable by a fine of \$50 to \$200 plus the cost of prosecution for a first offense, and a fine of \$100 to \$300 plus the cost of prosecution for a second offense.

EQUIPMENT

All ATVs operating in Pennsylvania must be equipped with a brake system capable of producing deceleration of 14 feet per second at a speed of 20 miles per hour, and a muffler in good working order. The sound intensity produced by an ATV may not exceed 93dBA, or decibels, when measured at 20 inches from the tailpipe.

Summary of

PENNSYLVANIA'S ALL-TERRAIN VEHICLE LAW



All ATVs operated during hours of darkness or when visibility is less than 500 feet must be equipped with an operating headlight and taillight. The headlight must produce a white light sufficient to reveal persons and vehicles at a distance of 100 feet. The taillight must produce a red light plainly visible during darkness from a distance of 500 feet.

HELMETS

It is illegal to operate an ATV without a securely fastened helmet on the head of the operator.

FOR REGISTRATION INFORMATION:

DCNR-Snowmobile/ATV Registration Section
P.O. Box 8552
Harrisburg, PA 17105-8552

Location:

9 Dogwood Lane
Middletown, PA 17057

Telephone (717) 783-9227
Tollfree (866) 545-2476

8170-PA-DCNR1517 Rev. 7/2006

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES



SUMMARY OF PENNSYLVANIA'S ALL-TERRAIN VEHICLE LAW

INTRODUCTION

Pennsylvania has beautiful and challenging opportunities for all-terrain vehicle (ATV) riding. Many trails have been developed on public and private lands to accommodate this recreational pursuit.

This pamphlet summarizes the ATV requirements of state law and regulations. The state law is known as the Snowmobile and All-Terrain Vehicle Law and is contained in Chapter 77 of the PA Vehicle Code. The state regulations are in Title 17, Pa. Code Chapter 51. This pamphlet is not intended to be a substitute for the actual law and regulations.

In addition to state law and regulations, riding on municipal and private property may be further regulated by municipal ordinance.

REGISTRATION

Pennsylvania residents owning and intending to use their ATV in Pennsylvania (except those used exclusively as a farm or business vehicle) must be titled and registered with the Department of Conservation and Natural Resources (DCNR), Snowmobile/ATV Registration Section.

General Registration

This registration permits the machine to be operated by the owner or operator's private property. The registration fee is \$20 for two years. The owner is provided with a registration plate and a card, but no expiration sticker.

Limited Registration

This registration is for machines used exclusively on the property of the owner. There is no fee and the registration does not expire. The owner is provided with a registration plate and a card, but no expiration sticker.

All-Terrain Vehicles are defined as follows:

- Class 1 ATV - A motorized off-highway vehicle, which travels on three or more inflatable tires and has a maximum width of 50 inches and a maximum dry weight of 800 pounds.
- Class 2 ATV - A motorized off-highway vehicle, which travels on three or more inflatable tires and has a width which exceeds 50 inches or a dry weight which exceeds 800 pounds.

Applications for registration of ATVs are available from the DCNR's Snowmobile/ATV Registration Section. The ATV registration application form must be completed and sent to the DCNR, Snowmobile/ATV Registration Section, P.O. Box 8553, Harrisburg, PA 17105-8553, along with the required fee and sales tax statement. Registration applications are also available from ATV dealers, Forest Districts and State Park Offices or download and print from the web at www.dcnr.state.pa.us/snowmobile.

Exempt from the registration requirements are ATVs owned by non-residents covered by a valid registration in their state, province or country that honors a Pennsylvania registration.

Temporary registrations are available from registered ATV dealers.

NON-RESIDENT REGISTRATION

To legally operate an ATV in Pennsylvania that is registered in another state where Pennsylvania's registration is NOT honored, the ATV must also be registered in Pennsylvania. Proof of liability insurance is also required.

TITLES

All ATVs in Pennsylvania must have a title issued by DCNR. The cost of a title is \$22.50. The only exceptions to this requirement are those ATVs registered with the Department prior to February 12, 1987. These ATVs do not require a title until they are sold by the owner.

SALE - THEFT - DESTRUCTION - CHANGE OF ADDRESS

The ATV owner shall notify the DCNR's Snowmobile/ATV Registration Section in writing of any change of address within 45 days.

Upon the transfer, destruction or theft of an ATV, the reverse side of the Certification of Registration must be properly filled out in the spaces provided, signed by the owner, and returned to the DCNR's Snowmobile/ATV Registration Section.

OPERATION

ATVs may be operated:

- On state-owned property on clearly marked and previously designated ATV trails;
 - On highways and streets when necessary to cross a bridge or culvert;
 - On highways and streets during periods of emergency when so declared by a governmental agency having jurisdiction;
 - On highways and streets for special ATV events of limited duration that are conducted according to a prearranged schedule under permit from the governmental unit having jurisdiction
- MUST BE 16 YEARS OF AGE OR OLDER.**

An ATV may make a direct crossing of a street or two-lane highway provided:

- The crossing is made at an angle of approximately 90 degrees to the direction of the highway, and at a place where no obstruction prevents a quick and safe crossing;
- The ATV is brought to a complete stop before crossing the shoulder or highway;
- The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
- In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway;
- Driver must be at least 16 years of age unless he has a safety certificate and is under the direct supervision of a person at least 18 years of age.

It is illegal to operate an ATV:

- On State Forest Roads open for use by licensed motor vehicles.
- At the rate of speed that is unreasonable or improper under existing conditions or in excess of the maximum limits posted for vehicular traffic;
- In a careless way so as to endanger the person or property of another;
- While under the influence of alcohol, narcotics or drugs.

Designated Roads

State and local highways and roads may be designated and posted for ATVs by the government authority with jurisdiction over the road.

Township roads designated for ATVs are posted with a green sign containing the side view silhouette of an ATV and rider in white.

Some roads may be designated and posted as joint-use roads open to both ATVs and licensed motor vehicles. Joint use roads are posted with signs stating that both types of vehicles may use the road. ATV operators on joint-use roads must be at least 16 years of age.

Municipal ordinances may further regulate the use of ATVs on roads within their jurisdiction.



Private Property

ATVs may not be operated on private property without the consent of the owner. Use of ATVs on private property may be further restricted by municipal ordinance.

ATV TRAILS

Certain trails on state forest land and the Allegheny National Forest have been designated for ATV use. ATV trail information is available from the Bureau of Forestry website at www.dcnr.state.pa.us/forestry and the Allegheny National Forest website at www.fs.fed.us/f9/forests/allegheny.

REGISTRATION NUMBERS

The five-digit registration number containing a combination of numbers and letters is embossed on an aluminum plate, which measures four inches in height and seven inches in width. This permanent registration plate is to be attached to the back of the machine near the center and as high as possible. The plate must be vertical and clearly visible from behind the ATV. This plate remains with the ATV if it is sold or transferred to a different owner.

General Registration requires a valid expiration sticker to be attached to the plate.

REGISTRATION PLATE

