

TOWNSHIP OF SCHUYLKILL,
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 2002-1

AN ORDINANCE to promote the public health, safety and general welfare and their property by regulating the operating of recreational vehicles as defined in said ordinance within the Township of Schuylkill, Schuylkill County, Pennsylvania; to provide for the enforcement of said ordinance and penalties for the violation of the said; and to amend or repeal any other ordinance or parts of ordinances in conflict therewith.

The Township of Schuylkill, County of Schuylkill, Pennsylvania, ordains:

SECTION 1. NAME - This Ordinance shall be known and cited as "RECREATIONAL VEHICLE/OFF-ROAD VEHICLE REGULATION ORDINANCE" of the Township of Schuylkill.

SECTION II. PURPOSE - The purpose of the within ordinance is to regulate and control the operation and use of recreational vehicles and off-road vehicles within the Schuylkill Township for the protection of the health, safety and general welfare of the residents, property owners, visitors and others within the township.

SECTION III. DEFINITIONS - The following terms, when used in the within ordinance, shall have the following meanings:

a. "Operator" means any person who operates or is in actual physical control of the movement of any recreational or off-road vehicle described in this ordinance.

b. "Owner" means any of the following:

1. A person who holds the legal title to a recreational or off-road vehicle described in this ordinance.

2. A vendee or lessee of the recreational or off-road vehicle described in this 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 or off-road vehicle or having the exclusive use of a recreational or off-road vehicle.

c. "Operate" means to ride in or on, or to be in actual physical control of the movement or the operation of a recreational or off-road 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 motorcycles, motor bikes, dirt bikes, three wheelers, all terrain vehicles, snowmobiles, and any other type of motor-driven vehicle designed to travel primarily for off-road travel or travel on snow or ice and such vehicle is not licensed or requested to travel on Commonwealth roadways or highways.

f. "Off-road Vehicle" means any four wheel drive vehicle, recreational vehicle, car, truck, motorcycle, motor bike, dirt bike, three wheeler, or any motor vehicle licensed and registered for travel on Commonwealth roadways or highways.

g. "Highway" means any roadway, traffic way, or street, and the entire width between boundary lines of every way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel and including the right of way and shoulder.

h. "Schuylkill Valley Heritage-Trail" means that area of the Schuylkill Township right away and property owned by the Pennsylvania Department of Transportation for use in conjunction with route 209, located on the southernly right away of route 209 and designated as a Heritage Trail by the Eastern Schuylkill Recreation Commission for use as a walking or bicycling trail.

SECTION IV. REGULATIONS

1. No person shall operate and no owner shall permit the operation of a motorized vehicle, all terrain vehicle, or off-road vehicle as defined this ordinance to be operated on any lands within Schuylkill Township designated by the Eastern Schuylkill Recreation Commission as a Schuylkill Valley Heritage Trail.

2. No person shall operate and no owner shall permit the operation of a recreational vehicle as defined by this ordinance vehicles upon any railroad or railroad right of way, public highway, public parking lot, public school grounds, parks, playgrounds, recreational areas, and other public lands other than state owned lands which such operation is authorized.

3. No person shall operate and no owner or dealer shall permit the operation of a recreational vehicle or an off-road vehicle as defined by this ordinance on private property not owned, leased or under the control of the operator unless the operator has the express consent of the owner, at said property.

SECTION V. 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 VI. 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, firms or corporation injured or damaged by such violations.

Any other criminal and civil proceedings may be commence 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 civil or criminal proceedings against such violator.

SECTION VII. EFFECTIVE DATE - This Ordinance shall take effect five days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Schuylkill Township, Schuylkill County, Pennsylvania, this 5th day of June, 2002 .

BOARD OF SUPERVISORS
SCHUYLKILL TOWNSHIP

ATTEST:

Mary E. Bubel

Joseph Boran

JOSEPH BORAN, Chairman

MAUREEN VANEK, Vice-Chairman

Mary E. Bubel

MARY BUBEL, Secretary

Frank Thompson

FRANK THOMPSON, Supervisor