

ORDINANCE NO. 67A

WASHINGTON TOWNSHIP
WESTMORELAND COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON
AMENDING ORDINANCE NO. 67 OF THE
TOWNSHIP OF WASHINGTON KNOWN AS THE
RECREATIONAL VEHICLE REGULATION ORDINANCE.

WITNESSETH, THAT:

WHEREAS, Ordinance No. 67 of the Township of Washington known as the Recreational Vehicle Regulation Ordinance was duly adopted by the Board of Supervisors of Washington Township on April 14, 1988; and

WHEREAS, the Board of Supervisors of Washington Township desires to amend the Recreational Vehicle Regulation Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania and it is hereby ORDAINED AND ENACTED by the authority of the same as follows:

A. SECTION 4. REGISTRATION of Ordinance No. 67 is hereby amended to add the following paragraph:

- c. Any recreational vehicle that must be registered by or through any governmental entity or agency of the Commonwealth of Pennsylvania is exempt from the registration requirements of this Ordinance.

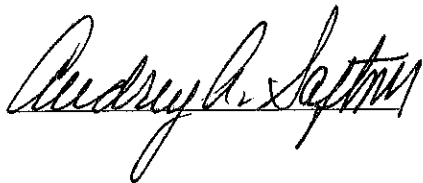
B. SECTION 14. PENALTIES of Ordinance No. 67 is hereby amended to read as follows:

Any violation of this Ordinance shall constitute a summary offense and any person, firm or corporation found guilty of such violation shall be subject to a fine of not less than One Hundred and 00/100 (\$100.00) Dollars and not to exceed One Thousand and 00/100 (\$1,000.00) Dollars per violation and imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement shall be by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.


C. All other terms of Ordinance No. 67 shall remain in full force and effect.

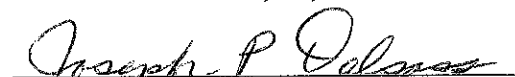
ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania, at lawful session assembled this 10th day of February, 2005.

ATTEST:



WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS


Richard C. Gardner, Jr., Chairman


Joseph P. Dalsass, Vice-Chairman


John D. Turack, Member

ORDINANCE NO. 67

WASHINGTON TOWNSHIP
WESTMORELAND COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, GENERAL WELFARE, PRIVACY AND PROPERTY WITHIN SAID TOWNSHIP, BY REGULATING THE OPERATING OF RECREATIONAL VEHICLES AS DEFINED IN THIS ORDINANCE; 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.

WHEREAS, the Supervisors of Washington Township desire to promote the health, safety and well-being of the residents of Washington Township and to protect property located within said Township,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania, and it is hereby ORDAINED AND ENACTED by the authority of the same as follows:

SECTION 1. NAME.

This Ordinance shall hereafter be known and cited as the RECREATIONAL VEHICLE REGULATION ORDINANCE of the Township of Washington.

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, privacy 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:

a) "Berm or shoulder" means the portion of roadway that is not used for travel, but is the cleared portion on each side of the roadway which is cleared and maintained to the boundary on each side of the roadway and used for emergency purposes and the safety of vehicular traffic.

b) "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 vehicles and snowmobiles as a regular business.

c) "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.

d) "Operate" means to ride in or on or to be in actual physical control of the operation of the recreational vehicle.

e) "Operator" means any person who operates or is in actual physical control of a recreational vehicle described in said Ordinance.

f) "Owner" means any of the following:

- 1) A person who holds the legal title to a recreational vehicle described in said Ordinance.
- 2) A vendee or lessee of a 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.

g) "Person" means an individual, partnership, corporation, the

State or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.

h) "Private property" means real property used for farming or other use or real property owned by private persons not for public use.

i) "Recreational vehicle" means all terrain vehicles, four-wheel drive vehicles, motorcycles, dirt bikes, motor bikes, three-wheelers, cars, snowmobiles, trucks, and any other type of recreational vehicle, or any type motor-driven vehicle, or any motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or any endless belt or any combination of these or other similar means of contact with the surface upon which it is operated. This shall not be construed to include properly licensed motor vehicles operated on the public highways, streets, roads and private driveways in accordance with the law; and shall not include agricultural equipment used in the trade or business of the owner or by such owners' employees, family members or agents.

j) "Right-of-Way" means any private owned driveway or driveway owned by various persons for purpose of access to their privately owned residence or property; or utility-owned cleared parcels of land used for gas companies, electric companies or water authorities that have been kept clear and used for their purpose.

k) "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.

SECTION 4. REGISTRATION.

a. Prior to its operation within Washington Township, a recreational vehicle must be registered with the Washington Township Board of Supervisors and an application shall be completed by the recreational vehicle owner and filed with the Washington Township Board of Supervisors at the Washington Township Municipal Office, which application shall provide the following:

1. Name of owner.
2. Address of owner.
3. Telephone of owner.
4. Description of vehicle.
5. Manufacturer's serial number of vehicle.
6. Proof of ownership of vehicle unless application is filed within sixty (60) days from the date of passage of this Ordinance.
7. A \$3.00 registration fee.
8. Any other information required by the Washington Township Board of Supervisors on the application form provided.

b. The Township shall issue a certificate or registration label which be valid as long as the vehicle is owned by the applicant.

SECTION 5. REGULATION.

No person shall operate and no owner or dealer shall permit the operation of recreational vehicles under the following conditions, circumstances or at the following locations:

- a) Upon a public highway, land used as farm or play areas, private property or streets, 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 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 or limited duration, conducted according to a prearranged schedule, if he or she first obtains a permit from the Township Supervisors 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 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 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) While under the influence of intoxication liquor or narcotic drugs, barbituate or any derivative of a barbituate.
- e) 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.
- f) In any natural dedicated area, forest, nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged.
- g) On the frozen surface of a 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.
- h) Unless such vehicles described in Section 3 of this Ordinance are equipped with a silencer in good working order, vehicles may be modified with silencers that meet or exceed Original Equipment Manufacturers standards as

to noise reduction. All silencers used must be of the spark arrester type and approved by the manufacturer and specified to be for off road use. Exceptions are only that listed under Invented Vehicles in Section 7 of this Ordinance.

- i) Within 100 feet of a dwelling between 9:30 P. M., and 5:30 A. M., at a speed greater than minimum required to maintain forward movement of the vehicle.
- j) In or upon premises which are fenced or otherwise enclosed in a manner to exclude intruders upon 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.
- k) 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 privately owned building or property otherwise inaccessible by conventional wheeled vehicles or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operation, 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.

- l) While transporting a bow, unless unstrung, or a firearm, unless securely encased.
- m) On or across a cemetery or burial ground.
- n) Within 100 feet of a slide, ski or skating area, except for the purposes 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. A railroad or a utility right-of-way may be crossed in a safe manner per instructions in the Road and Highway crossing Section 11.
- p) Unless the operator and passenger(s) are wearing a helmet of quality equal to that of the Commonwealth of Pennsylvania standard for road use, or the same quality required by racing authorities in the Commonwealth of Pennsylvania.
- q) On a public road or highway for the purpose of testing said vehicle.

SECTION 6. INVENTED VEHICLES

Owners and operators of non-serial numbered powered recreational vehicles, or invented vehicles such as "dune buggies", go-karts, etc., are also subject to the registration and regulations of this Ordinance, and must provide engine serial number for registration. If engine is replaced then a new registration certificate must be secured. Owners and operators of invented vehicles are subject to the same mandates and limitations as covered in Section 5 of this Ordinance with the following additional requirements:

- 1) Operators of invented vehicles must equip their vehicles with an adequate or standard sound suppressor(s) and spark arrester(s) approved by manufacturer as for Off Road Use.
- 2) If an adequate spark arrester is not available for purchase, then the operator is not held in violation of this Ordinance.

SECTION 7. TRANSFER OF REGISTRATION CERTIFICATE.

- 1) Under no circumstances is the transfer or registration certificate from one vehicle to another permitted.
- 2) Registration shall be considered cancelled upon transfer of ownership and the new owner must secure a new registration certificate.

SECTION 8. LOST OR ILLEGIBLE REGISTRATION LABEL.

The responsibility for the legibility of a registration label on a registered vehicle is solely upon the operator of the registered vehicle. If a registration label or plate is discovered lost, damaged or defective, the operator of said vehicle must report this to the issuing authority within twenty-four (24) hours whereupon the issuing authority will furnish a new label at no charge upon demand at any time during the life of the vehicle. Operation of a registered vehicle without the registration label or with an illegible registration label is an offense, and is considered a non-registered vehicle unless the operator can prove identity and registration to an authorized investigating officer.

SECTION 9. PLACEMENT OF DECALS.

Decals shall be placed one on each side of the recreational vehicle

where they can be clearly visible from a 90° angle, and not covered by the operator or passenger(s).

License plate must be attached on rear of vehicle or per special instructions by issuing authority. Vehicles operated 1/2 hour after sunset and 1/2 hour before sunrise must have a lighted license plate if license plate is required.

SECTION 10. SPECIAL LAW ENFORCEMENT PROVISIONS.

- 1) An authorized law enforcement officer may in a reasonably safe and non-destructive manner, operate any type of registered or non-registered recreational vehicle described in Section 3 of this Ordinance in the general performance of duty and surveillance, on public highways, on any private property, and when in pursuit of a suspect, outside the limits of Washington Township.
- 2) Any operator of a registered or non-registered recreational vehicle within the limits of Washington Township that witnesses or knows of any violation of this Ordinance, or any other Ordinance must report the matter immediately to the Washington Township Police Department.

SECTION 11. CROSSING ROADWAYS AND HIGHWAYS AND REMOTE UTILITY RIGHT-OF-WAYS.

No person operating any vehicle described in Section 3 of this Ordinance, with exception to emergencies or duly appointed law enforcement officers operating according to duty, may cross or operate a recreational vehicle on a roadway or highway except to cross in the following manner:

The operator must approach the berm, shoulder, or edge of the roadway or highway and come to a complete stop, facing the roadway or highway, wait until there is no other moving traffic that is normally in use on a roadway or highway for a reasonable distance, in either direction then proceed across the roadway or highway at the maximum safe speed, the operator may then proceed in one or, the other direction only, for a distance of not more than what is reasonable length that the operation can be conducted in a safe manner. This same procedure may be used to cross railroad and utility right-of-ways.

SECTION 12. ACCIDENTS AND ACCIDENT REPORTS.

Whenever any recreational vehicle is involved in an accident resulting in loss of life, personal injury or damage to property, the operator shall stop and render appropriate and necessary assistance and give name and address, the name and address of the owner of the recreational vehicle and the registration number to the injured person or property owner sustaining the damage. He must also report the accident to the Washington Township Police Department as soon as he or she is physically able, or have same reported by another person.

SECTION 13. ENFORCEMENT.

a) 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.

b) All operators of vehicles described in Section 3 of this Ordinance must provide positive identification at all times. The vehicle registration label is considered positive identification and any non-registered vehicle operated in Washington Township is subject to impoundment unless the operator of such vehicle, upon the request of any authorized enforcement officer, can provide identity of some other means.

c) Any impounded vehicle may be redeemed by the owner thereof by pledging or posting a bond or bail in an amount sufficient to cover all costs and fines imposeable upon conviction before a magistrate together with any damages which may have arisen by the operation of the recreational vehicle in violation of this Ordinance or any other ordinance of Washington Township.

d) An impoundment fee of \$25.00 plus storage plus towing or hauling costs must be paid in addition to the bail or bond provided hereinabove.

SECTION 14. 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 as follows:

First Offense:	Up to \$25.00 or warning by arresting officer.
Second Offense:	\$ 50.00
Third Offense:	\$ 100.00
Fourth Offense and each offense thereafter:	\$ 150.00

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 damages 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 proceedings against such violator.

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

SECTION 15. SAVINGS CLAUSE.

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or sub-section 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 16. CONFLICTING PROVISIONS.

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

SECTION 17. EFFECTIVE DATE.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania, at a duly

assembled meeting held this 14th day of April, 1988.

TOWNSHIP OF WASHINGTON

By *Feland G. Gill*

Chairman, Board of Supervisors

Burl L. Stangenhaust

Vice Chairman

Herbert J. Coulter

Member

TOWNSHIP OF WASHINGTON
(Township Seal)

WESTMORELAND
ATTES
COUNTY, PA

Audrey A. Sefter

Township Secretary