

BOROUGH OF COKEBURG
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 220

**AN ORDINANCE OF THE BOROUGH OF COKEBURG, WASHINGTON COUNTY
PENNSYLVANIA, REGULATING THE OPERATION OF MOTORIZED
RECREATIONAL VEHICLES WITHIN THE BOROUGH OF COKEBURG**

WHEREAS, The Council for the Borough has an interest in promoting the health, safety and welfare of all residents of the Borough and has an interest in providing all residents with the peaceful and quiet enjoyment of the property they occupy;

WHEREAS, it has become necessary to establish reasonable and responsible rules and regulations regarding the use of All-Terrain Vehicles (hereinafter ATV's) motor bikes and other recreational motor vehicles in the Borough;

WHEREAS, the Borough of Cokeburg desires to enact an Ordinance prohibiting the use of recreational motor vehicles within the Borough, except as set forth herein, and providing penalties for violations of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Cokeburg, Washington County, Pennsylvania, as follows:

SECTION I. Purpose.

This Ordinance seeks to improve the safety and quiet enjoyment of individuals living and/or doing business in the Borough of Cokeburg and to eliminate noise and dust and other air and ground pollution incident to the operation of ATV's, dirt bikes or other recreational motor vehicles on property within the limits of the Borough. This Ordinance also seeks to prevent a public nuisance.

SECTION II. Definitions.

A. SHALL: for purposes of this Ordinance the term "shall" is always mandatory and not discretionary.

B. RECREATIONAL MOTORIZED VEHICLES: A recreational motorized vehicle is defined for purposes of this Ordinance as follows: any self-propelled motorized vehicle used for recreational purposes, including a trail bike or other all-terrain vehicles, dirt bikes, motor scooter, moped or snowmobile being used for off-road recreational purposes.

Motor scooter, for purposes of this Ordinance, means a vehicle that has motive power, a seat, but not a saddle, for the driver, two wheels, and a floor pad for the driver's feet and is not a vehicle intended for use due to health issues or disability of the operator.

All-Terrain vehicle, or ATV, for the purposes of this Ordinance, means any motorized vehicle with three wheels or four wheels designed for use off of paved trails or roads which operates on

three or more inflatable tires which are (1) a maximum of 50 inches and dry weight of 800 pounds (Class 1 ATV), or (2) a width which exceeds 50 inches or a dry weight which exceeds 1000 pounds (Class 2 ATV). The term ATV shall include all-terrain vehicles as described above, "quads", "quad bikes", and tandem ATV's.

C. OWNER: Any person who has legal or equitable title to the property on which an ATV, dirt bike or other recreational motorized vehicle is being operated.

C. OCCUPANT: A person who is legally entitled to reside on the property on which an ATV, dirt bike or other recreational motorized vehicle is being operated.

E. OPERATOR: A person who is operating an ATV, dirt bike or other recreational motorized vehicle.

SECTION III. Operation.

It shall be unlawful for any individual to operate an ATV, dirt bike or other recreational motorized vehicle, as defined above, on any public or private street or public or private property in the Borough of Cokeburg, except under the conditions set forth in Section IV herein.

SECTION IV. Exceptions and Conditions.

A. Specifically excluded from this Ordinance are all ATV's, dirt bikes and other recreational motorized vehicles used by Police Departments for law enforcement purposes and other municipal and government employees, including military personnel, using said vehicles for the purpose of carrying out functions of their official purposes.

B. Excluded from this Ordinance are motorized wheelchairs or scooters, or other necessary equipment used to transport an individual due to that individual's physical disability or medical condition as certified by a medical doctor.

C. Also excluded from this Ordinance are off-road motorized vehicles used as utility vehicles, for agricultural purposes, snow plowing/removal, lawn care, brush clearing of landowner's property, or any other "reasonable" property maintenance and/or landscaping.

D. Operation of recreational motorized vehicles is allowed between the hours of 11:00 A.M. and 8:00 P.M. or sunset, whichever comes first. Operation in a residential district on Sundays is prohibited, except operation for maintenance only, which is to be limited to no more than one hour between 11:00 A.M. and 8:00 P.M. or sunset, whichever comes first.

E. Operation of recreational motorized vehicles shall be limited to operation on parcels of one (1) acre of area or more and must not be within 100 feet of any residential property line.

F. Recreational motorized vehicle riders must show written proof that the property owner(s) have granted them permission to ride on their property.

G. Operation of recreational motorized vehicles must not be done in a way so as to create loud

H. Man-made tracks and/or courses designated for racing or riding recreational motor vehicles or other recreational purposes are prohibited in all residential districts within the Borough of Cokeburg.

I. All recreational motorized vehicles must be operated in a manner that does not violate any local, state or federal laws.

SECTION V. Compliance with Pennsylvania Law

To the extent applicable, this Ordinance incorporates by reference Pennsylvania's All-Terrain Vehicle Law as contained in 75 Pa.C.S. §7701 et seq. and state regulations set forth in Title 17 Pa. Code, Chapter 51. All provisions shall be strictly enforced.\

SECTION VI. Enforcement

A violation of this Ordinance shall be deemed a public nuisance and a summary offense and shall subject the Owner/Occupant of the property and/or any person operating an ATV, dirt bike or other recreational motorized vehicle in violation of this ordinance to summary offense enforcement proceedings.

The Cokeburg Borough Code Enforcement Officer(s) or a responding Police Agency are hereby authorized to make an initial determination of violation of this Ordinance and to enforce provisions of this Ordinance.

All enforcement officers, in the state, including local and state police, shall have the authority, as set forth in Pennsylvania's Snowmobile and All-Terrain Vehicle Law and state regulations, to enforce Pennsylvania's Snowmobile and All-Terrain Vehicle Law, with municipal and state police having enforcement authority on private land.

SECTION VII. Jurisdiction.

Any violation of this Ordinance shall be within the jurisdiction of the District Justice whose jurisdiction covers the Borough of Cokeburg as well as the Courts from which the District Judge's decision may, under statutes of the Commonwealth of Pennsylvania, be appealed.

SECTION VIII. Violations and Penalties.

Any person violating any provision of this Ordinance shall be fined \$250.00 plus the costs of prosecution, for his or her first offense, \$500.00 plus the costs of prosecution for his or her second offense; and \$1000.00 plus the costs of prosecution for his or her third or subsequent offense, as well as impoundment of the vehicle. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Violation of this Ordinance shall be a summary offense, subject to summary enforcement proceedings and the appropriate officers or agents of the Borough of Cokeburg are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. Upon default in payment of a fine and upon a guilty finding of violation of this Ordinance, the violator may also be subject to a term of imprisonment up to the maximum allowed for a summary offense.

SECTION IX. Impoundment of Vehicle.

Upon the third or subsequent offense for violations of this Ordinance, the responding Police Department or the Borough Code Enforcement Officer may confiscate and impound any vehicle operated in violation of this Ordinance. The vehicle shall be returned to the owner thereof upon payment in full of any fine and costs of prosecution imposed as a result of the violation of this Ordinance and upon payment of any storage charge incurred as a result of the impoundment, including any fees associated with towing and/or hauling of the vehicle.

SECTION X. Rules of Interpretation.

In this Ordinance, the use of the singular shall include the plural, and the use of headings is for convenience only.

SECTION XI. Severability.

If a section, provision or part of this Ordinance shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any sections, provisions or parts thereof not adjudged invalid or unconstitutional.

SECTION XII. Effective Date.

This Ordinance shall be in full force and effect from the date of its adoption by the Cokeburg Borough Council and upon publication as provided by law.

Adopted this 9th day of December, 2020.

ATTEST:

COUNCIL OF THE BOROUGH OF COKEBURG

Deborah Norquist By: Henry Lutton Sheng
Borough of Cokeburg Secretary Council President

Examined and APPROVED, this 9th day of December 2020.

ATTEST:

Deborah Norquist Carol Bassano
Borough of Cokeburg Secretary Mayor