

ORDINANCE NO. 2-07

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF CROSS CREEK TOWNSHIP BY REGULATING THE OPERATION OF RECREATIONAL VEHICLES AS DEFINED WITHIN CROSS CREEK TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA; TO PROVIDE FOR THE ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION

WHEREAS, the Board of Supervisors of Cross Creek Township deems that it is in the best interest and general welfare of the residents to regulate the operation of recreational vehicles as defined in the Ordinance.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, that:

Section 1. Name. The Ordinance shall hereafter be known and cited as the “Recreational Vehicle Regulation Ordinance” of Cross Creek Township, Washington County, Pennsylvania.

Section 2. Purpose. The purpose of the Ordinance is to regulate and control the operation and use of recreational vehicles within the Township for the protection of the health, safety and general welfare of the residents, property owners, visitors and others within the Township.

Section 3. Definitions. The following terms, when used in the within Ordinance, shall have the following meanings:

- a.) Operator – Any person who operates or is in actual physical control of a snowmobile or any other recreational vehicle described in this Ordinance.
- b.) Operate – To ride in or on and to be in actual physical control of the operation of the recreation vehicle.
- c.) Recreational Vehicle – All terrain vehicles, four wheel drive vehicles, motor bikes, dirt bikes, and any other type of recreational vehicle and any motor-driven vehicles designed for travel primarily on snow or ice of a type which utilizes sled-type runner runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.
- d.) Dealer – Any person engaged in the sale, lease or rental of all terrain vehicles, four wheel drive vehicles, motorcycles, motorbikes, dirt bikes, bicycles, cars, trucks and all other type of creational vehicle and snowmobiles as a regular business.

- e.) Highway or Street – The entire width between the boundary lines of everyway publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel.
- f.) Roadway – 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.
- g.) Right-of-Way – That portion of a highway less the roadway and any shoulder.
- h.) Shoulder – That portion of a highway on either side of the roadway, which is normally snowplowed for the safety and convenience of vehicular traffic.

Section 4. Regulations.

No person shall operate all terrain vehicles, four wheel drive vehicles, motor bikes, dirt bikes, and any other type of recreational vehicle and snowmobiles under the following conditions, circumstances or at the following locations: 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:

Special Allowances

1. The Supervisors or ordinance 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 obtain a permit from the township board 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.
3. On private property not owned, leased or under the control of the operator unless the operator has the express consent of the owner, losses or other person in control of said property, except in case of an emergency when other means of travel are not feasible or possible.
4. 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.

5. At a speed greater than is reasonable and proper, having due regard for conditions then existing.
6. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
7. During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and a lighted taillight.
8. 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.
9. 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.
10. Unless such vehicle described in section 3 of this ordinance is equipped with a muffler in good working order.
11. Within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m., at a speed greater than minimum required to maintain forward movement of the vehicle.
12. 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 promises or other authorized persons.
13. 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 purpose, 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.
14. While transporting a bow, unless unstrung, or a firearm, unless securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.
15. On or across a cemetery or burial ground.
16. Within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area or for medical emergencies.
17. On a railroad or railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.
18. Unless it has at least one headlight, one taillight and adequate brakes capable of stopping the vehicle.

Section 5. Enforcement. Any ordinance enforcement officer of the township is authorized to issue non-traffic citation for violations of the within ordinance.

Section 6. 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 7. 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 Three Hundred Dollars (\$300.00) or imprisoned in the County Jail for up to thirty (30) 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 hereby placed on the defendant to prove he/she had permission to ride a recreational vehicle upon any property except their own property.

Section 8. Conflicting Provisions. Any Ordinance or part of an Ordinance in conflict herewith is hereby repealed.

Section 9. Effective Date. This Ordinance shall take effect five days after enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, this 15th day of May, 2007.

ATTEST:

Rachel Warner Blosser, Secretary

CROSS CREEK TOWNSHIP

By _____
Dean F. Casciola, Chairman

By _____
Tim Paris, Supervisor

By _____
John Rush, Supervisor