

**AN ORDINANCE OF THE TOWNSHIP OF PEACH BOTTOM REGULATING THE OPERATION OF OFF-ROAD VEHICLES WITHIN PEACH BOTTOM TOWNSHIP AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, the operation of off-road vehicles within Peach Bottom Township creates a public nuisance by -

(1) creating loud noises disturbing the peaceable and quiet enjoyment of property by citizens of the township;

(2) creating dust which blows onto property of citizens of the township disturbing the peaceable and quiet enjoyment of property by those citizens and endangering the health of such citizens; and

(3) creating dangerous conditions on public and private roads of the township because such vehicles are often operated by minors without sufficient training to operate such vehicles safely and resulting in the endangering of such operators as well as the operators of other vehicles lawfully being operated on the public and private roads of the township; and

**WHEREAS**, Peach Bottom Township has determined that there is a need to regulate the operation of off-road vehicles so as to minimize the adverse impact of such operation upon the health, safety and welfare of the citizens of Peach Bottom Township; and

**WHEREAS**, the Board of Supervisors of Peach Bottom Township finds that the operation of off-road vehicles except in compliance with the terms of this ordinance constitutes a nuisance.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania as follows:

Section 1 - Purpose

It is hereby declared that the purpose and intent of this ordinance is to promote the general health, welfare and safety of residents of Peach Bottom Township by regulating the operation of off-road vehicles so as to minimize the adverse impact of such operation upon the lives and property of citizens of the township.

Section 2 - Definitions

In this ordinance the following terms have the meanings indicated. Any term not defined in this ordinance shall have its generally accepted meaning.

(a) Off-road Vehicle - All motorized vehicles designed or redesigned or otherwise being used for recreational use including, but not limited to, motorcycles, all terrain vehicles (ATVs), go-carts, pocket rockets or snowmobiles;

(b) Person - Any individual group of individuals, a partnership, firm, association or either any other entity which may own either property or an off-road vehicle;

(c) Property Owner - Any person who has legal or equitable title to real estate within Peach Bottom Township; and

(d) Vehicle Owner - Any person who has legal or equitable title to an off-road vehicle. If an off-road vehicle has not been issued a "title" by the Commonwealth of Pennsylvania, it shall be presumed that the owner of such vehicle is the owner of the property where such vehicle is primarily parked or stored unless the owner of the property does not reside at the property, in which event it is presumed that the adult individuals residing at the property are the owners of the vehicle.

### Section 3 - Violations

It shall be a violation of this ordinance for any person to operate an off-road vehicle or permit an off-road vehicle owned by such person to be operated -

~~(a) On a public or private road within Peach Bottom Township unless the operator has an operator's license issued pursuant to provisions of Chapter 15 of the Pennsylvania Motor Vehicle Code and such vehicle is registered for highway operation pursuant to provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code;~~

On a public or private road within Peach Bottom Township unless the operator has an operator's license issued pursuant to provisions of Chapter 15 of the Pennsylvania Motor Vehicle Code, such vehicle is registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and such vehicle is permitted by state law to be operated on the public highways of the Commonwealth if registered and operated by a licensed operator.

(b) On private property within Peach Bottom Township if such operation occurs within three hundred (300) feet of a dwelling not owned by the owner of the property where the vehicle is being operated; and

(c) On private property within Peach Bottom Township without permission for such operation having been granted by the owner of such property.

The provisions of Section 3 of this ordinance shall not apply if the vehicle is being operated within an approved recreational facility (outdoor) in the Commercial District or is being used for nonrecreational use such as in connection with an agricultural or business operation, for law enforcement, fire emergency, military or other governmental purpose.

### Section 4 - Penalties

Any person operating an off-road vehicle or permitting an off-road vehicle to be operated in violation of any of the provisions of this ordinance shall be subject to a penalty in the amount of Six Hundred (\$600.00) Dollars which penalty may be collected by suit or summary proceeding brought in the name of the township before any District Justice. Each day during which such person shall be in violation of any of the provisions of this ordinance shall be deemed a separate offense. There shall be a presumption that any operation of an off-road vehicle is with the permission of the owner of such vehicle and then shall be a further presumption that any operation of an off-road vehicle by a person under the age of 18 is with the permission of the parents of such operator.

### Section 5

This ordinance shall be known as the "Peach Bottom Township Off-Road Vehicle Ordinance".

**ORDAINED AND ENACTED** by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania on the day of, 2005.

December 7, 2009