

**Topic:** RECREATIONAL VEHICLES

**Description:** TO PROTECT THE PROPERTY OWNERS FROM VEHICLES OF THE RECREATIONAL TYPE.

RECREATIONAL VEHICLES

TOWNSHIP OF GERMANY ADAMS COUNTY,  
PENNSYLVANIA ORDINANCE NO. 2008-4

TO PROTECT THE PROPERTY OWNERS FROM VEHICLES OF THE RECREATIONAL TYPE DESCRIBED IN THIS ORDINANCE.

AN ORDINANCE to promote the public health, safety and general welfare and their property by regulating the operation of recreational vehicles as defined in said ordinance within the Township of Germany, Adams 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 Germany, County of Adams, Pennsylvania, ordains:

SECTION I. NAME – The Ordinance shall hereafter be known and cited as the “RECREATIONAL VEHICLE REGULATION ORDINANCE” of the Township of Germany, County of Adams, Pennsylvania.

SECTION II. 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 and general welfare of the residents, property owners, visitors and others within said 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 a snowmobile or any other recreational vehicle described in said ordinance.
- b. Owner means any of the following:
  1. A person who holds the legal title to a snowmobile or any other recreational vehicle described in said ordinance.
  2. A vendee or lessee of the snowmobile or any other recreational vehicle described in said ordinance, which in 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 vehicle or having the exclusive use of a recreational vehicle.

c. Operate means to ride in or on and to be in actual physical control of the operation of the recreational 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 all-terrain vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, go carts, and any other type of recreational vehicle and any motor-driven vehicle designed for travel primarily on off road areas, and on snow or ice of a type which utilizes sled-type runners or skis, or an endless belt tread or any other combination of these or other similar means of contact with the surface upon which it is operated.

1. Exclusion(s) to e. are as follows:

Lawn mowers, 4-wheel drive trucks, SUV's, or any State licensed vehicle used solely for means of transportation on highways or public roads. Agricultural equipment and ATV's used for agricultural purposes.

f. Dealer means any person engaged in the sale, lease or rental of all terrain vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, go carts, trucks and all other type of recreational vehicle and snowmobiles as a regular business.

g. 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.

h. Roadway means that portion of a highway improved, designated or ordinarily used for vehicular traffic. 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.

i. Right-of way means that portion of a highway less the roadway and shoulder.

j. Shoulder means that portion of a highway on either side of the roadway which is normally snow-plowed for the safety and convenience of vehicular traffic.

k. Private property means used for residential, commercial, farming or other use.

**SECTION IV. REGULATIONS - No person shall operate and no owner or dealer shall permit the operation of all terrain vehicles, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, go carts, and any other type of recreational vehicle and snowmobiles under the following conditions, circumstances or at the following locations:**

a. Riders must stay 50 feet from all property lines unless express written consent of the adjacent owner, lessee or other person in control of said property is given, or if a solid, privacy type fence is in place that is of a height higher than the ATV to protect persons or property of adjacent land. Moving or riding an ATV in or out of its place of storage does not require the 50 foot setback.

b. Riders must stay 20 feet away from any creek, stream, wetland or other area subject to erosion or poor drainage.

c. Riders are permitted to operate recreational vehicles only between the hours of 8:00 A.M. and 9:00 P.M.

d. Riders may not ride upon a Township highway, land used as a farm or play areas, or streets, or on a public or private parking lot not specifically designed for the use of vehicles described in Section III, except under the following special conditions and circumstances:

1. The supervisors, any police officer or ordinance or law enforcement officer or a compliance officer may authorize the use of such vehicles described in Section III, on a Township 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. The supervisors, or an ordinance officer or a compliance officer may issue a permit (cost of permit to be established by resolution) for the use of such vehicles for fund raising or charity benefits. This includes activities and functions held at fire departments and sporting events.

3. A person may operate such vehicles described in Section III:

A. On a highway for a special event of limited duration, conducted according to a pre-arranged schedule, if he or she first obtains a permit (cost of permit to be established by resolution) 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.

B. On private or public property not owned, leased or under the control of the operator if the operator has the express written consent of the owner, lessee or other person in control of said property or in case of an emergency when other means of travel are not feasible or possible.

e. Riders may not ride at a speed greater than is reasonable and proper, having due regard for conditions then existing.

f. Riders may not ride in any forest nursery, planting area, or public lands posted or reasonably identified as an area of forest reproduction where growing stock may be damaged or in any area posted or reasonably identified as a natural dedicated area..

g. A person may not ride any recreational vehicle as described in Section III of this ordinance unless such vehicle is equipped with a muffler.

h. A person may not ride any such recreational vehicle across a cemetery or burial ground.

**SECTION V. ENFORCEMENT** – Any police officer, peace officer or ordinance enforcement officer of the Township is authorized to issue a non-traffic citation for violations of the within ordinance.

**SECTION VI. 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 VII. PENALTIES

Any violation of this ordinance shall constitute a summary offense and shall, upon conviction:

- (1) For a first offense, be sentenced to pay a fine of not less than \$100 nor more than \$200 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than ten days.
- (2) For a subsequent offense, be sentenced to pay a fine of not less than \$200 nor more than \$400 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than 30 days.

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.

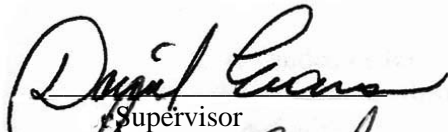
The burden of proof is required by the Defendant to prove he/she had permission to ride a recreational vehicle upon any property except their own property.

SECTION VIII. CONFLICTING PROVISIONS – Any ordinance or part of an ordinance in conflict herewith is hereby repealed.

SECTION IX. EFFECTIVE DATE – This ordinance shall take effect five days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Germany Township, Adams County, Pennsylvania, this 13th day of October, 2008.

  
Chairman

  
Supervisor

  
Supervisor

ATTEST

  
Secretary