

**BRANCH TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NUMBER 3-2001

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH,
SAFETY, WELFARE AND PROPERTY FROM THE USE OF
ALL-TERRAIN VEHICLES**

WHEREAS, the Branch Township Board of Supervisors finds that there is a growing usage of motorized all-terrain vehicles throughout the Township; and,

WHEREAS, in order to promote the preservation of peace and good order and to protect the public health, safety, welfare and property of all persons, Branch Township hereby adopts this Ordinance:

SECTION 1. - DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- a. **ALL-TERRAIN VEHICLE OR "ATV"** - A motorized off-road vehicle traveling on two, three, four or more tires. This term does not include snowmobiles, golf carts, construction machines, home utility/lawn mowing machines (when used for that stated purpose), military, fire, emergency and law enforcement vehicles, implements of husbandry, multi-purpose agricultural vehicles or off-road vehicles not generally used for outdoor recreation.
- b. **PENNSYLVANIA VEHICLE LAWS** - The body of laws, regulations and provisions, including but not limited to, the Pennsylvania Vehicle Code at Title 75 Purdons Annotated Code Sections 101 through the end and the regulations/provisions promulgated by the Pennsylvania Department of Transportation as found in the Pennsylvania Code Volume 67, Chapter 1 through the end.

- c. OPERATOR - Any person who operates or is in actual physical control of an all-terrain vehicle.
- d. OWNER - Any person, partnership or business entity who holds the legal title or claims the right to possess an ATV.
- e. PERSON - A natural person, firm, partnership, association, corporation or other legal entity.
- f. ROAD - That portion of the entire width between the boundary lines of every way publicly owned and/or maintained right-of-way when any part of it is open to the use of the public for purposes of vehicular travel. The term also includes the sidewalk, berm or shoulder of the way.

Section 2. - REGULATIONS

No person shall operate and no owner shall permit the operation of an all-terrain vehicle under the following circumstances or at the following locations:

- a. No person shall park or store, nor shall any property owner permit to be parked or stored, on any roadway, sidewalk or public ground within the Township of Branch any all-terrain vehicle.
- b. Upon a public highway or road, land used as farm or play areas, or street, or on a public or private parking lot not specifically designated for the use of all-terrain vehicles, except under the following situations:
 - 1. The supervisors, any police officer or law enforcement officer may authorized and limit the use of an all-terrain vehicle on a public highway or street when the need arises such as an emergency for transportation due to snow or other highway or special conditions.
- c. 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 the real property, except in the case of an emergency when other means of travel are not feasible or possible.

- d. At a speed greater than is reasonable and proper, having due regard for conditions then existing.
- e. During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and lighted tail lights.
- f. Unless such all-terrain vehicle equipped with a muffler or baffle in good working order and in constant operation so noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA (decibels on the "A" scale).
- g. 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.
- h. 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 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 or as an invited guest of an owner or person in control of that property.
- i. While transporting a bow, unless unstrung, or a firearm, unless disassembled and securely encased or equipped with and made inoperative by a key locked trigger housing mechanism.
- j. On or across a cemetery or burial ground.
- k. On a railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.
- l. Unless it has at least one headlight, one tail light and adequate brakes capable of stopping the vehicle.

SECTION 3. - ENFORCEMENT

In addition to any authority contained in the Pennsylvania Vehicle Laws, any police officer of the Township or other appropriate law enforcement officer is authorized to issue a citation for each violation of this ordinance in the same manner provided for the enforcement of summary offenses before a District Justice.

SECTION 4. - PENALTY

Each and every violation of this ordinance, including additional daily penalties for continuing violations, shall constitute a minimum fine of \$100.00 up to a maximum fine of \$1,000.00 plus court costs and any reasonable expenses involved in the apprehension, storage and prosecution. Furthermore, there may also be imprisonment to the extent allowed by law for the punishment of summary offenses.

Any person guilty of a violation of the this ordinance may 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.

SECTION 5. - IMPOUNDING/STORAGE

In addition to the penalties assessed in Section 4, an ATV used in violation of this ordinance may be impounded and placed in storage with all towing and storage costs to be paid by the offender/owner of the ATV. The Township will only return an ATV that was impounded to the proven owner once all outstanding fines, assessments and costs have been verified as paid in full.

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 than the part declared void or inoperable.

Any ordinance or part of an ordinance in conflict with this ordinance is hereby repealed.

ENACTED AND ORDAINED by the Board of Supervisors of Branch Township, Schuylkill County, Pennsylvania, this 27th day of August 2001.

ATTEST:

BOARD OF SUPERVISORS OF BRANCH TOWNSHIP

Joann M Schultz
SECRETARY

Geoff W...
Joseph Wank
John M Purcell

