

ORDINANCE NO. _____

AN ORDINANCE OF EAST ROCKHILL TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA REGULATING THE OPERATION AND USE OF RECREATIONAL VEHICLES WITHIN EAST ROCKHILL TOWNSHIP, AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, East Rockhill Township (“Township”) is a Second Class Township, governed by the Second Class Township Code, 53 P.S. 65101 *et seq.*, which authorizes the Township to adopt ordinances for the protection of the public health, safety and welfare; and

WHEREAS, the use and operation of recreational vehicles within East Rockhill Township may create a public nuisance and adversely affect the public’s health, safety and welfare by the creation of excessive noise, dust and fumes; and

WHEREAS, the purpose of this Ordinance is to provide for the reasonable regulation of recreational vehicles in East Rockhill Township so as to reduce noise and air pollution, protect the public’s health, safety and welfare, and to provide for the peaceable and quiet enjoyment of property; and

WHEREAS, the Board of Supervisors of East Rockhill Township desires to enact an ordinance regulating the use of recreational vehicles in areas within East Rockhill Township to protect the public health, safety and welfare of the general public.

NOW, THEREFORE, be it *ORDAINED* and *ENACTED*, and it is hereby *ORDAINED* and *ENACTED*, as follows:

SECTION I. Definitions.

ALL TERRAIN VEHICLE (ATV) – shall mean a motorized vehicle with not less than three (3) inflatable tires with a maximum dry weight of less than 800 pounds.

OCCUPANT – a person who regularly resides on the property in question.

OWNER – any person who has legal or equitable title to the property on which a recreational vehicle is being operated.

PERSON – an individual, group of individuals, partnership, firm, association or any other entity.

RECREATIONAL VEHICLE – all motorized vehicles designed or redesigned, or otherwise being used for off-road and/or recreational use, including but not limited to the following:

- A Motorcycles;

- B. Trail bikes;
- C. All terrain vehicles (ATVs) or utility terrain vehicles (UTV);
- D. Go-carts;
- E. Snowmobiles;
- F. Trucks, sport utility vehicles (SUVs), and four-wheel drive vehicles; and
- G. Any other similarly mechanized vehicle.

The term Recreational Vehicles shall not include motorized vehicles being used for law enforcement, fire, emergency, fire emergency, military or other authorized government purpose, or off-road motorized vehicles being used as utility vehicles for agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's real property. A motor home or mobile home used solely for overnight lodging and shelter shall not be considered a recreational vehicle for purposes of this ordinance.

SECTION II. Operation and Use of Recreational Vehicles on Private Property.

The following regulations shall apply for the use of Recreational Vehicles on private real property:

A. Owner or Occupant.

Only the owner, occupant, permitted guests and family may operate a recreational vehicle on private real property, subject to the restrictions outlined herein.

B. Setback Requirements.

1. A person operating a Recreational Vehicle shall not operate the Recreational Vehicle within fifty (50) feet of any property line, unless written permission has been obtained by the adjoining property owner to operate the Recreational Vehicle within a reduced setback.
2. It shall not be a violation of this Section to operate a Recreational Vehicle within the required setback lines for purposes of ingress and egress from or onto a driveway.

C. Dust.

1. Dust control measures are to be maintained by the lot owner, occupant and operators of Recreational Vehicles at all times Recreational Vehicles are in use. A person shall not generate or permit to be generated as a result of the use of a Recreational Vehicle any dust which crosses over onto an adjoining or adjacent property that will interfere with the reasonable use of the property and create an amount of dust that would cause such dirt and dust to visibly affix to personal property, structures, persons and/or other tangible items, either inside or outside, and/or make it difficult for a person to see and/or breathe. In the event that excessive dust is created by the operation of a Recreational Vehicle in violation of this Section, the use

of such Recreational Vehicles shall cease immediately and not begin again until the dust has been properly mitigated.

2. Any unvegetated riding area and/or areas containing dry dirt, stones or other dust generating surface material must be watered down before, during and after usage to limit the dust.
3. In the event that the dust amount cannot be contained by the mitigating measures set forth herein, or by other measures, and where Township residents have complained to the Township of East Rockhill about the dust from the operation of the Recreational Vehicles in question, then the Owner and/or Occupant shall be required to plant a buffer with plantings acceptable to the Township to help prevent the dust from crossing property lines prior to any further use of Recreational Vehicles on the property.

D. Equipment Exhaust.

All Recreational Vehicles shall be fitted with the original equipment exhaust while in operation and must have a federally approved spark arrestor. It is unlawful to operate a Recreational Vehicle which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall Recreational Vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. The noise emission may not exceed ninety-nine (99) decibels when measured at a distance of twenty (20) inches, and mufflers may not be altered to increase motor noise or have a cut out bypass or similar device.

E. Noise.

1. It is hereby declared to be a nuisance and shall be unlawful for any person to operate or allow the operation of a Recreational Vehicle that makes or causes excessive noises or sounds which are physically annoying to the comfort of any person of normal auditory sensibilities or which are so harsh, prolonged, unnatural or unusual in their use, time and place, as to occasion physical discomfort, or which are otherwise injurious to the lives, health, peace and comfort of the inhabitants of East Rockhill Township or any number of residents thereof.
2. The operation of Recreational Vehicles shall comply with all ordinances governing noise within the East Rockhill Township Code of Ordinances.

F. Environmentally Sensitive Areas.

1. No person shall operate, allow or permit the operation of a Recreational Vehicle within a stream, creek, waterway, drainage way, wetland or erosion sensitive area, floodplain, or within 50 feet of such environmentally sensitive areas.
2. No person shall operate, allow or permit the operation of a Recreational Vehicle on any Township, County, or State-owned park or open space property.

G. Livestock Area.

No person shall operate, allow or permit the operation of a Recreational Vehicle within 500 feet of any type of livestock, unless the use is otherwise exempt by this Ordinance.

H. Additional Restrictions.

1. No more than three (3) Recreational Vehicles may be operated at the same time on one parcel or group of adjacent parcels.
2. A person may operate a Recreational Vehicle only between the hours of 11:00 a.m. and 5:00 p.m.
3. Recreational Vehicles may be operated on one parcel of property or a group of adjacent parcels for no longer than two (2) hours at a time, and there shall be a one (1) hour rest period between each two (2) hour time period of Recreational Vehicle operation. Stopping the use of Recreational Vehicles for a period less than one (1) hour shall not start the two (2) hour time period over.
4. A Recreational Vehicle shall not be operated in such a manner as to damage or destroy any real or personal property of another.
5. Recreational Vehicles shall not be operated on any sidewalk or within the right-of-way of any public or private street being maintained or used as a thoroughfare for legally licensed vehicular traffic unless the operator has a valid operator's license and the Recreational Vehicle is properly registered and licensed with the Commonwealth of Pennsylvania as a motor vehicle. All provisions of the Motor Vehicle Code and Township ordinances regulating equipment in operation shall apply to such a use.

SECTION III. Operation and Use of the Recreational Vehicle on Township Property.

No person shall operate a Recreational Vehicle on Township property without the express written consent of the Township.

SECTION IV. Exemptions.

The following uses are exempt from this Ordinance:

- A. Use of a Recreational Vehicle by the Township or any other governmental body in conducting official business.
- B. Use of a Recreational Vehicle in agricultural work.
- C. Use of a Recreational Vehicle in yard work, landscaping and/or in the maintenance of a person's real property.
- D. Use of a Recreational Vehicle in snow clearing.

SECTION V. Enforcement Penalty.

- A. A violation of this Ordinance shall be deemed a public nuisance and shall subject the owner of the property and any person operating a Recreational Vehicle in violation of this Ordinance to summary enforcement proceedings.
- B. This Ordinance shall be enforced as follows:
 - 1. **First Offense.** The Police, East Rockhill Township Code Enforcement Officer and/or such other persons as the Township may designate are authorized to make an initial determination of a violation of and to enforce the provisions of this Ordinance. An initial determination of a violation of this Ordinance shall result in a verbal warning to the operator of the Recreational Vehicle, and if present, the Occupant and Owner of the property in question.
 - 2. **Second Offense.** Any person who violates or permits a violation of this Ordinance for a second time shall, upon conviction in a proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of One Hundred Dollars (\$100.00), plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Ordinance that is violated shall also constitute a separate offense.
 - 3. **Third Offense.** Any person who violates or permits a violation of this Ordinance for a third time shall, upon conviction in a proceeding brought

before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of One Thousand Dollars (\$1,000.00), plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Ordinance that is violated shall also constitute a separate offense.

- C. The Police, Code Enforcement Officers of East Rockhill Township and/or such other persons as the Township may designate may enforce the provisions of this Ordinance.

SECTION VI. Miscellaneous Provisions.

- A. Incorporation by Reference. To the extent applicable, this Ordinance incorporates by reference thereto the provisions of the rules and regulations relating to the Pennsylvania Snowmobile and All Terrain Vehicle Law, 75 Pa.C.S. 7701, *et seq.* and the Pennsylvania Motor Vehicle Code.

SECTION VII. Severability.

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

SECTION VIII. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION IX. Effective Date.

This Ordinance shall become effective five (5) days after final enactment.

ORDAINED and **ENACTED** this

day of

, A.D. 2009.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

David R. Nyman

John R. Cressman

ATTEST:

Anne Klepfer, Township Manager

Gary W. Volovnik