

TOWNSHIP OF HANOVER
BEAVER COUNTY, PENNSYLVANIA

ORDINANCE NO. 37
"RECREATIONAL VEHICLE ORDINANCE"

An ORDINANCE to protect the public health, safety and general welfare and their property by regulating the operating of recreational vehicles as defined in said ordinance within the Township of Hanover, Beaver County, Pennsylvania; to provide for the enforcement of said ordinance and penalties for the violation of the same; and to amend or repeal any other ordinances or parts of ordinances in conflict therewith.

The Township of Hanover, County of Beaver, Pennsylvania, ordains:

SECTION I. NAME

This Ordinance shall hereafter be known and cited as the "RECREATIONAL VEHICLE REGULATION ORDINANCE" of the Township of Hanover.

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 recreational vehicle described in said ordinance.
- b. "owner" -- means any of the following:
 1. a person who holds the legal title to a recreational vehicle described in said ordinance.
 2. a vendee or lessee of the recreational vehicle described in said ordinance, which is 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, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, bicycles, cars, trucks and any other type of recreational vehicle and any motor-driven vehicle designed for or which may be used for off road travel whether or not registered or required to be registered by the Pennsylvania Motor Vehicle Code or any other law or statute of the Commonwealth of Pennsylvania or administrative agency thereof, or whether or not titled or required to be titled by the Pennsylvania Motor Vehicle Code or any other law or statute of the Commonwealth of Pennsylvania or any administrative agency regulation thereof.
- f. "dealer" -- means any person engaged in the sale, lease or rental of all terrain vehicles, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, bicycles, cars, trucks, and any other types 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 travel. If a highway includes two or more separate roadways, the term roadway refers to any such roadway separately, but not all such roadways collectively.
- i. "right-of-way" -- means that portion of a highway, less the roadway and any shoulder.

- j. "shoulder" -- means that portion of a highway on either side of the roadway which is normally maintained for the safety and convenience of vehicular traffic.
- k. "property" -- real estate or real property owned by any person, firm, partnership, corporation, estate or other entity, including that of the Township of Hanover.

SECTION IV. REGULATIONS

No person shall operate and no dealer shall permit the operation of all terrain vehicles, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, bicycles, cars, trucks and any other type of recreational vehicle and snowmobiles under the following conditions, circumstances, at the following locations and/or conditions:

- a. Upon a public highway, street, public or private parking lot not specifically designed for the use of recreational vehicles or other property as defined herein, except under the following conditions and circumstances:
 - 1. The supervisors, any police officer or ordinance or law enforcement officer may authorize the use of such recreational vehicles 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 recreational vehicles 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 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. A person may operate such recreational vehicle on private property owned, leased or under the control of the operator.
 - 4. 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.

- b. 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 said property, except in case of emergency when other means of travel are not feasible or possible.
- c. 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.
- d. At a speed greater than is reasonable and proper, having due regard for conditions then existing.
- e. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
- f. During the hours from one-half hour after Sunset to one-half hour before Sunrise without displaying a lighted headlight and a lighted tail light.
- g. 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.
- h. 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.
- i. Unless such recreational vehicle is equipped with a muffler in good working order and in constant operation.
- j. 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.

- k. 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.
- l. On or across a cemetery or burial ground.
- m. On a railroad or railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.
- n. Unless it has at least one headlight, one tail-light and adequate brakes capable of stopping the vehicle.

SECTION V. ENFORCEMENT

Any police officer or ordinance enforcement officer of the township is authorized to issue Non-traffic Citations 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 any person, firm or corporation found guilty of such violation shall be fined in the discretion of the Court up to \$300 or imprisoned in the County Jail for up to 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.

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 on Jan 6, 1997.

SUPERVISORS OF HANOVER TOWNSHIP

Supervisor

Supervisor

Supervisor

ATTEST

Eula L. Warner
Secretary

