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RECREATION VEHICLE REGULATION ORDINANCE
TOBY TOWNSHIP, CLARION COUNTY, PENNSYLVANIA
ORDINANCE NO.1-2018

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE AND THEIR PROPERTY BY REGULATING THE OPERATION OF RECREATIONAL VEHICLES, AS DEFINED IN THIS ORDINANCE, WITHIN THE TOWNSHIP OF TOBY, CLARION COUNTY, PENNSYLVANIA; TO PROVIDE FOR THE DESIGNATION OF HIGHWAYS, STREETS, OR ROADWAYS WITHIN THE TOWNSHIP FOR THE USE OF RECREATIONAL OR ALL TERRAIN VEHICLES; TO PROVIDE FOR THE ENFORCEMENT OF SAID ORDINANCE AND PENALTIES FOR THE VIOLATION OF THE SAME; AND TO AMEND OR REPEAL ANY OTHER ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Township of Toby, County of Clarion, Pennsylvania("Township") ordains:

SECTION I

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

SECTION II PURPOSE

The purpose of this Ordinance is to regulate and control the operation and use of recreational vehicles within the Township for the protection of the health, safety and general welfare of the residents, property owners, visitors and others within the Township.

SECTION III. DEFINITIONS

The following terms, when used in this ordinance, shall have the following meanings:

- a. "operator" means any person who operates or is in actual physical control of a recreational vehicle.
- b. "Owner" means any of the following:
 - 1. A person who holds the legal title to a recreational vehicle;

2. a vendee or lessee of a recreational vehicle, 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; and/or
 3. a person renting a recreational vehicle or having the exclusive use of a recreational vehicle.
- c. "operate" means to ride in or on or to be in actual physical control of the operation of a 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-wheelers, motorcycles, motor bikes, dirt bikes, three wheelers, bicycles, cars, trucks, and any other type of vehicle which is primarily designed for off road use.
 - 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 or street improved, designated or ordinarily used for vehicular travel. If a highway or street 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 or street less the roadway and any shoulder.
 - j. "shoulder" means that portion of a highway or street on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular traffic.
 - k. "private property" means any land, rights-of-way, roads or other real property owned, maintained, or otherwise under the control of any person or entity other than the Township, and not available for general use by the public.

All other terms used in this ordinance shall be defined pursuant to the provisions of the Pennsylvania Snowmobile and All Terrain Vehicle Law, 75 Pa.C.S. §7701 et seq.

SECTION IV. DESIGNATION OF HIGHWAYS AND STREETS

All Township roadways shall be and are hereby designated as "ATV & UTV roads" and hereinafter, the roadways shall be designated as "Joint Use Roads", where all ATV and UTVs shall share the roadway with other licensed motor vehicles, pursuant to and subject to the provisions of the Pennsylvania Snowmobile and All Terrain Vehicle Law, 75 Pa.C.S. §7701 et seq., and any and

all regulations promulgated thereunder. In designating all Township highways, roads and streets for use by recreational vehicles, the Township is exercising the power granted to it pursuant to 75 Pa.C.S. §7722.

SECTION V. REGULATIONS

- a. Any person who operates a recreational vehicle within the Township shall do so only in full compliance with the provisions of the Pennsylvania Snowmobile and All Terrain Vehicle Law, 75 PA C.S. Section 7701 et seq., including but not limited to, registration and licensing.
- b. No person shall operate and no owner or dealer shall permit the operation of recreational vehicles, under the following conditions, circumstances or at the following locations:
 1. 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 an emergency when other means of travel are not feasible or possible.
 2. On public grounds, parks, playgrounds and recreational areas (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.
 3. At a speed greater than is reasonable and proper, having due regard for conditions then existing.
 4. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
 5. During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and a lighted taillight.
 6. Unless such recreational vehicles are equipped with a muffler in good working order and in constant operation from which noise emission is not unreasonably loud.
 7. Within 100 feet of a dwelling between 12:00 Midnight and 6:00 a.m. at a speed greater than the minimum required to maintain forward movement of the recreational vehicle.
 8. In or upon premises which are fenced or otherwise enclosed in a manner to exclude intruders, private property posted in a conspicuous manner, or when

notice against trespass is personally communicated to the operator by the owner of the premises or other authorized persons.

9. On or across a cemetery or burial ground.

SECTION VI. ENFORCEMENT

Any police officer, peace officer or ordinance enforcement officer of the Township or having jurisdiction within the Township is authorized to issue non-traffic citations for violations of this Ordinance.

SECTION VII. 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 VIII. 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 \$300.00 or imprisoned for up to 90 days or both. Each day that a violation continues to exist shall constitute a separate offense. Upon conviction for a violation of this Ordinance, the Court shall require restitution to the victim(s) for damages done by the violator, if any.

Any person guilty of a violation of this Ordinance may also be subject to civil proceedings for damage and/or injunctive relief by the person injured or damaged by such violation.

Both criminal and civil proceedings may be commenced against a person violating this 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 IX. CONFLICTING PROVISIONS

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

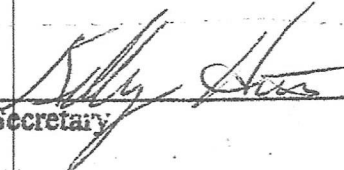
SECTION X. EFFECTIVE DATE

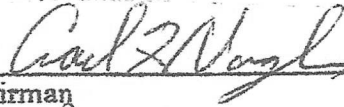
This Ordinance shall become effective five (5) days from final passage.

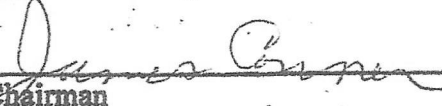
DULY ORDAINED AND ENACTED at a regular meeting of the Board of Supervisors of Toby Township,
Clarion County, Pennsylvania this 12 day of December, 2018.

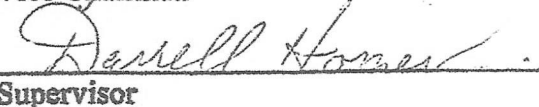
ATTEST:

TOBY TOWNSHIP:


Secretary


Chairman


Vice Chairman


Supervisor