

Chapter 173

RECREATIONAL MOTORIZED VEHICLES

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[HISTORY: Adopted by the BOROUGH COUNCIL 12-5-73 as Ord. No. 512. Section 173.4 amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Deleted in its entirety and replaced with the following by Ord. No. 1064]

GENERAL REFERENCES

Parks and recreation - See Ch. 128.
Vehicles and traffic - See Ch. 171.

§ 173.1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE – Any motorized vehicle with three wheels or four wheels designed for use off paved trails or roads which operates on three or more inflatable tires. The term ATV shall include but not be limited to “quads,” “trikes,” “quad bikes,” and tandem ATV’s.

MOTOR SCOOTER – a vehicle that has motive power, a seat, but not a saddle, for the driver, two wheels, and a floor pad for the driver’s feet and is not a vehicle intended for use due to the health issues or disability of the operator.

RECREATIONAL MOTORIZED VEHICLES – a recreational motor vehicle is defined for purposes of this Ordinance as follows: any self-propelled motorized vehicle used for recreational purposes, including a trial bike or other all-terrain vehicle, dirt bike, motor scooter, moped or snowmobile being used for off-road recreational purposes.

§ 173.2. Operation of Recreational Motorized Vehicles Prohibited.

It shall be unlawful for any individual to operate a Recreational Motorized Vehicle on any public or private street or public or private property in the Borough of Whitehall, except as permitted by Section 173.3 herein.

§ 173.3. Exceptions.

Use of Recreational Motorized Vehicles shall be permitted only as follows:

§ 173.3.1. Recreational Motorized Vehicles used by any Whitehall Borough Emergency Services for lawful purposes and other municipal and government employees, including military personnel, to the extent that said vehicles are used for the purpose of carrying out the functions of their official positions.

§ 173.3.2. Motorized wheelchairs or scooters or other necessary equipment used to transport an individual due to that individual's physical disability or medical condition.

§ 173.3.3. Recreational Motorized Vehicles used as utility vehicles for lawn care, snow removal or business operations, including property maintenance and/or landscaping.

§ 173.3.4. Recreational Motorized Vehicles operated on a non-residential private property within the Borough as follows:

§ 173.3.4.1. No Recreational Motorized Vehicles may be operated within two hundred (200) feet of any residential property line.

§ 173.3.4.2.. Any person operating a Recreational Motorized Vehicle on private property not owned by the operator shall obtain written permission from the owner of the property, which written permission shall be carried on the person of the operator at all times during the operation of the Recreational Motorized Vehicle. The written permission shall be produced upon the request of the property owner, a law enforcement officer or the Code Enforcement Officer of the Borough.

§ 173.4. Compliance with Pennsylvania Law.

To the extent applicable, this Chapter incorporates by reference Pennsylvania's Snowmobile and All-Terrain Vehicle Law as contained in Part 6, Chapter 77 of the Pennsylvania Vehicle Code and the regulations set forth in Title 17 Pa. Code, Chapter 51.

§ 173.5. Enforcement.

§ 173.5.1. A violation of this Chapter shall be deemed a public nuisance and a summary offense and shall subject the owner of the property and/or any person operating a Recreational Motorized Vehicle in violation of this Chapter to summary offense enforcement

proceedings..

§ 173.5.2. The Whitehall Borough Police Department and the Code Enforcement Officer(s) of the Borough of Whitehall are hereby authorized to make an initial determination of violation of this Chapter and to enforce provisions of this Chapter.

§ 173.5.3. All enforcement officers in the state, including local and state police, shall have the authority, as set forth in Pennsylvania's Snowmobile and All-Terrain Vehicle Law and state regulations, to enforce Pennsylvania's Snowmobile and All-Terrain Vehicle Law, with municipal and state police having enforcement authority on private land.

§ 173.6. Violations and penalties

Any person who violated this Chapter shall be subject to a fine not to exceed \$1,000.00 per occurrence. Each day that a violation of this Chapter continues shall constitute a separate offense.