

**RECREATION VEHICLE REGULATION ORDINANCE
RIMERSBURG BOROUGH, CLARION COUNTY, PENNSYLVANIA**

ORDINANCE NO. 03-2023

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 RIMERSBURG BOROUGH, CLARION COUNTY, PENNSYLVANIA; TO PROVIDE FOR THE DESIGNATION OF HIGHWAYS, STREETS, OR ROADWAYS WITHIN THE BOROUGH 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 PROVIDING FOR A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Pennsylvania Borough Code, at 8 Pa. C.S. 1701 *et seq.*, authorizes Rimersburg Borough (the “Borough”) to regulate the roads within the Borough’s borders; and

WHEREAS, the Pennsylvania Snowmobile and All Terrain Vehicle law, 75 Pa. C.S. 7701 *et seq.* permits the Borough to permit the shared use of roads within the Borough by motor vehicles and recreational vehicles; and

WHEREAS, the Borough Council has found that it would be in the best interest of the Borough’s residents if the Borough’s roads were designated as shared use roads as such designation is anticipated to increase commerce and tourism within the Borough.

NOW THEREFORE, this 5th day of February 2024, be it enacted and ordained by the Borough Council of the Rimersburg Borough, Clarion County, Pennsylvania, as follows:

1. Recitals. The recitals set forth above are incorporated herein as if more fully set forth.

2. Title. This Ordinance shall hereafter be known and cited as the “RECREATIONAL VEHICLE REGULATION ORDINANCE OF RIMERSBURG BOROUGH”.

3. Purpose. The purpose of this Ordinance is to regulate and control the operation and use of recreational vehicles within the Borough for the protection of the health, safety and general welfare of the residents, property owners, visitors and other within the Borough.
4. 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:
 - i. A person who holds the legal title to a recreational vehicle;
 - ii. 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
 - iii. 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 Commonwealth 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, but not including snowmobiles.
 - f. "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.
 - g. "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.

- h. "Right-of-Way" means that portion of a highway or street less the roadway and any shoulder.
- i. "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.
- j. "Private property" means any land, right-of-way, roads or other real property owned, maintained, or otherwise under the control of any person or entity other than the Borough, 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.

5. Designation of Highways and Streets. All Borough roadways shall be and are hereby designated as "ATV Roads" and hereinafter; the roadway shall be designated as "Joint-Use Roads", where all recreational vehicles, as defined within this Ordinance, 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 Borough highways, roads and streets for use by recreational vehicles, the Borough is exercising the power granted to it pursuant to 75 Pa. C.S. 7722.

6. Regulations.

- a. Any person who operates a recreational vehicle within the Borough 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:
 - i. On private property 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.

- ii. On public grounds, parks, playgrounds and recreational areas (other than Commonwealth 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.
- iii. At a speed greater than is reasonable and proper, having due regard for conditions then existing.
- iv. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
- v. During the hours from one-half hour after sunset to one-half hour before sunset without displaying a lighted headlight and a lighted taillight.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. On or across a cemetery or burial ground.

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

8. Penalties. Any person who shall violate any provision of this Ordinance shall be liable upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine not exceeding \$300.00 for each violation, together with

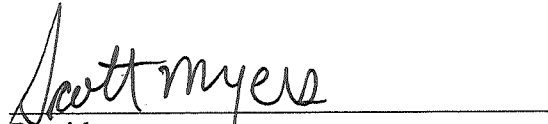
the costs of prosecution in each case. Each day that an offense continues shall be considered a new and separate offense under this Ordinance. The municipal solicitor shall assume charge of the prosecution without the consent of the district attorney as required under the Pennsylvania Rules of Criminal Procedure, Rule 454. Upon judgment against any person by summary conviction or proceedings by summons, on default of payment of fine or penalty imposed and costs, defendant may be sentenced to a period not exceeding thirty (30) days imprisonment.

9. Repealer. Any previously enacted Ordinances, rules, or resolutions, or parts of Ordinances in conflict herein, are hereby repealed.
10. Severability. The provisions of this Ordinance are severable. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.
11. Effective Date. This Ordinance shall become effective immediately upon proper execution by the Rimersburg Borough, through its President, and through its Mayor, or as soon as may be otherwise permitted by applicable law.

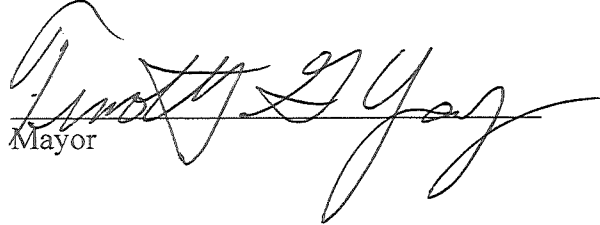
DULY ENACTED AND ORDAINED on the date identified above by the Borough Council of Rimersburg Borough, Clarion County, Pennsylvania, in lawful session duly assembled.

ATTEST:


Secretary


President

APPROVED:


Mayor

I certify that the above is a true copy of the Rimersburg Borough, Clarion County, Pennsylvania, Ordinance No. 03-2023, adopted by the Rimersburg Borough Council, 27 Main Street, Rimersburg, Pennsylvania, 16248, and advertised in the Leader-Vindicator on January 2, 2024.


Secretary

