

**Smith Township
Washington County**

ORDINANCE NO. 2014-2

AN ORDINANCE OF THE TOWNSHIP OF SMITH, WASHINGTON COUNTY, PENNSYLVANIA, CREATING RULES, REGULATIONS AND REQUIRING REGISTRATION OF ALL DIRT BIKES, OFF ROAD AND ALL TERRAIN VEHICLES THAT ARE OPERATED IN THE TOWNSHIP AND PROVIDING PENALTIES FOR ANY VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township of Smith (the “Township”) to create ordinances for the regulation, administration and enforcement of Township zoning ordinances, codes, etc.; and,

WHEREAS, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Board”) has established various regulations within the Township; and,

WHEREAS, after careful consideration, the Board believes that there is a need to establish rules and regulations for the operation of all terrain/off road vehicles in the township; and,

WHEREAS, the Board also desires to better facilitate the identification of all atv/off road vehicles through the establishment of a registration procedure.

NOW THEREFORE, the Board hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. PURPOSE.

The Board desires to establish rules and regulations concerning the operation of all-terrain vehicles/atv, dirt bikes, snowmobiles and/or off-road vehicles in the Township. Furthermore, the Board desires to establish a registration procedure for all such vehicles to be administered by the Township Police Department. The purpose of this ordinance is to better facilitate the proper operation and identification of atv/off-road vehicles in the Township.

SECTION 2. DEFINITIONS.

ALL-TERRAIN VEHICLE/OFF ROAD VEHICLE (ATV) – Any motorized off-highway vehicle that travels on 2 or more low-pressure tires, with a seat that is straddled by the operator, along with handlebars or wheel for steering control. This definition shall include but not be limited to ‘quads’, ‘4x4’, ‘snowmobile’ and ‘dirt bike’.

EXEMPT BUSINESS – Any commercially licensed business operating in the Township authorized to engage in the sale, maintenance and/or repair of ATVs.

SECTION 3. REGISTRATION.

- A. Any ATV to be operated in the Township (whether on private or public property) must be registered as set forth herein with the Township.
- B. Registration Applications shall be available at the Police Department and/or any other Township designed area.
- C. The exact form and fee of the Registration Application may be amended by Resolution from time to time but will contain the following information:
 - i. Name, address and signature of the owner
 - ii. Vehicle Identification Number (VIN)
 - iii. Photo of the vehicle with brief description, including make, model, horsepower and color.
 - iv. Proof of insurance
 - v. Name, address and age of all individuals authorized to operate the vehicle.
 - vi. Proof of proper registration with the State (if applicable)
- D. Upon proper registration, said vehicle will be issued a registration permit sticker that must be displayed on the front right of the gas tank and shall remain visible at all times during operation of the vehicle within the Township.
- E. Registration sticker shall be valid for a 24 month period and is not transferrable between individuals.
- F. Registration will be valid indefinitely upon proof by the Applicant that the ATV is used solely for any/all of the following:
 - i. Agriculture purposes
 - ii. Cutting the grass/bush hogging/clearing of landowners property
 - iii. Snow plowing of landowner's property
 - iv. Recreational use - only on the owner's property
 - v. Used in conjunction with hunting/trapping/fishing activities on approved properties and by individuals properly licensed to do so with the county/state (proper license required for each hunting/trapping season the ATV is to be used in).
- G. Once an ATV is no longer solely used for any of the purposes contained herein, said ATV must be re-registered as required herein
- H. Any ATV involved in or a part of the operations of an Exempt Business shall not be required to meet the registration requirements contained herein.
- I. Registration waiver can be applied for by individuals or companies engaged in the surveying, appraising and/or otherwise inspection of property in conjunction with business activities in the Township. The procedure to obtain a Registration waiver shall be set by Township Resolution.

SECTION 4. OPERATION/USE.

- A. All ATVs must be operated in a manner that does not violate any local, state or federal laws.
- B. From September – May: ATVs may only be operated between the hours of 9:00am and 6:00pm Sunday through Thursday and between the hours of 9:00am and 7:00pm on Friday and Saturday.
- C. From June – August: ATVs may only be operated between the hours of 9:00am and 8:00pm Sunday through Thursday and between the hours of 9:00am and 9:00pm on Friday and Saturday.
- D. All ATVs are prohibited from being operated on public highways.
- E. It shall be illegal to ride an ATV on private property without permission from the landowner.
- F. An ATV used exclusively for agricultural purposes shall be exempt from the registration regulations contained herein.

SECTION 5. PENALTIES.

- A. Any individual convicted of a violation of Section 3 - Registration shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00). In addition to the fines and court costs associated with a conviction under this Ordinance, an ATV Administration Fee shall also be imputed for the Smith Township police. This Administration Fee shall be \$25.00 initially, but amended from time to time by Resolution.
- B. Any individual convicted of a violation of Section 4 – Operation/Use shall be punished according to the applicable local (Smith Township Code), state (18 Pa.C.S. §101, *et. seq.* and Pa MVC) and/or federal law.
- C. Second and Subsequent Offenses: In the event of a second conviction for any violations of this Ordinance; the Township shall report the violation to the Department of Motor Vehicles for possible vehicle license suspension.

SECTION 6. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

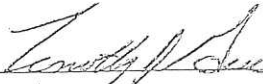
SECTION 7: REPEALER.

All Ordinances or parts of Ordinances that are found to be conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Smith, Washington County, Pennsylvania, this 18th day of August, 2014.

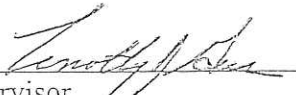
Attest:

Smith Township Board of Supervisors


Secretary

By: 
Chairman

By: 
Supervisor

By: 
Supervisor