

**ABBOTTSTOWN BOROUGH,
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2022-04

**AN ORDINANCE REGULATING THE OPERATION AND USE OF
RECREATIONAL VEHICLES WITHIN ABBOTTSTOWN BOROUGH AND
PROVIDING PENALTIES FOR VIOLATION THEREOF**

WHEREAS, the use and operation of recreational vehicles within Abbottstown Borough may create a public nuisance and adversely affect the public's health, safety and welfare by the creation of excessive noise, dust and fumes; and

WHEREAS, the purpose of this Ordinance is to provide for the reasonable regulation of recreational vehicles in Abbottstown Borough so as to reduce noise and air pollution, protect the public's health, safety and welfare, and to provide for the peaceable and quiet enjoyment of property.

NOW, THEREFORE, pursuant to the authority of Sections 1202 (4), (5), (13) and 3301.1 (4) (i) of the Borough Code, 8 Pa C.S.A Sections 101-3501, the Council of Abbottstown Borough hereby ENACTS and ORDAINS the following:

SECTION 1. Definitions

OCCUPANT - a Person who regularly resides at the property in question.

OWNER - any Person who has legal or equitable title to the property on which a Recreational Vehicle is being operated

PERSON - an individual, group of individuals, a partnership, firm, association or any other entity.

RECREATIONAL VEHICLE - All motorized vehicles, designed or re-designed or otherwise being used for off-road recreational use, including, but not limited to the following:

- (a) Motorcycles
- (b) Trail bikes
- (c) All-terrain vehicles (ATVs) – Any motorized off-road recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain, including but not limited to a multi-track, or low-pressure tire vehicle or related 2-wheel, 3-wheel, 4-wheel or belt driven vehicle, or an amphibious machine.

- (d) Go carts
- (e) Snowmobiles – An engine-driven vehicle which is all of the following: 1) is designed to travel over snow or ice; 2) has an endless belt track or tracks; 3) is steered by a ski or skis; and 4) has an overall width of 48 inches or less.
- (f) Trucks, sports utility vehicles (SUVs), and 4-wheel drive vehicles
- (g) Any other similar mechanized vehicle (excluding battery only operated vehicles)

SECTION 2. Operation and Use of Recreational Vehicles on Private Property

The following regulations shall apply for the use of a Recreational Vehicle on private real property:

A. Owner or Occupant. Only the Owner, Occupant, permitted guests and family may operate a Recreational Vehicle on private real property subject to the restrictions outlined herein.

B. Setback Requirements.

(1) A Person operating a Recreational Vehicle must remain at least three hundred (300) feet from any property line, including property road frontage and associated roadway right-of-way lines, unless written permission has been obtained by the adjoining property owner to operate the recreational vehicle within any reduced setback, and with any additional mutually agreed terms and conditions.

(2) It shall not be a violation of this Section to operate a motorcycle or similar on-road vehicle within the required setback for purposes of ingress and egress from or onto a driveway.

C. Additional Restrictions.

(1) No more than two (2) Recreational Vehicles may be operated at the same time on the same property.

(2) A person may operate a Recreational Vehicle only between the hours of 8:00 a.m. and 8:00 p.m., prevailing time.

(3) An operator or operators may ride a Recreational Vehicle for no longer than a total of one (1) hour at a time with a two (2) hour rest period between the next operation of a Recreational Vehicle.

D. Dust. A Person shall not generate or permit to be generated as a result of the use or operation of any Recreational Vehicle, any dust to cross over onto an adjoining or adjacent property that will interfere with the reasonable use and enjoyment of the residential use of the property, either inside or outside.

E. **Equipment Exhaust.** All Recreational Vehicles shall be fitted with the original equipment exhaust while in operation.

F. **Environmentally Sensitive Areas.** No Person shall operate, allow or permit the operation of a Recreational Vehicle within a stream, creek, waterway, drainage-way, wetland, or erosion sensitive areas, or within twenty (20) feet of such environmentally sensitive areas.

G. **Livestock.** No Person shall operate, allow or permit the operation of a Recreational Vehicle within five hundred (500) feet of any type of livestock.

H. **Access Limitation.** No person shall go on or cross the land of another to operate a Recreational Vehicle without the written permission of the landowner, which written permission shall be carried on the person of the operator. No person shall use State or Borough roads to gain access to the land used for Recreational Vehicle operation.

I. **Hunting Limitation.** Except as otherwise permitted by Title 34 of the Pennsylvania Statutes (relating to game), no person shall operate or ride on any Recreational Vehicle with any bow and arrows unless unstrung nor any firearm unless unloaded, in his or her possession.

J. **Registration Requirements.** Registration of vehicles governed by this Ordinance is required in accordance with the registration provisions of the Pennsylvania Snowmobile and All-Terrain Vehicle Law, 75 Pa. C.S. Section 7701 et seq. Proof of registration in the nature of copies of the registration documents under this law shall be supplied to the Borough upon request.

SECTION 3. Operation and Use of a Recreational Vehicle on Borough Property

No Person shall operate a Recreational Vehicle on Borough property without the express written consent of the Borough.

SECTION 4. Enforcement and Penalty

A. A violation of this Ordinance shall be deemed a public nuisance, and shall subject the Owner of the property and/or any Person operating a Recreational Vehicle in violation of this Ordinance to summary enforcement proceedings.

B. The Northern Regional Police Department (or successor police department) and such persons as may be designated by resolution of the Council are authorized to make an initial determination of violation of this Ordinance, and to enforce the provisions of this Ordinance. An initial determination of a violation of this Ordinance shall result in a verbal warning to the Owner, Occupant or operator of the Recreational Vehicle.

C. A second or subsequent violation of this Ordinance shall be subject to summary enforcement proceedings and upon being found guilty thereof shall subject the violator to a fine of \$250.00 for a second offense (following a verbal warning), \$500.00 for a third offense, and \$750.00 for a fourth and each offense thereafter. Upon default in payment of a fine and upon a guilty finding of a third or subsequent offense the violator may be subject to a term of imprisonment up to the maximum allowed by law for a summary offense. Each day that a violation continues or each section of this Ordinance that is found to be violated shall be considered a separate violation.

SECTION 5. Exceptions.

A. Americans with Disabilities Act (ADA). In conformance with the intent of the ADA, an Owner, Occupant, or Person shall not be in violation of this Ordinance when operating a Recreational Vehicle if the Owner, Occupant, or Person qualifies under the ADA for use of a Recreational Vehicle for general accessibility to, from, and about the property. In such instance, the Owner, Occupant, or Person shall obtain a handicap placard to display prominently on the Recreational Vehicle.

B. No owner, occupant or person shall be in violation of this Ordinance when operating a Recreational Vehicle for agricultural or husbandry purposes, lawn/yard care, landscaping, and maintenance, snow removal and/or permitted business operations.

C. This Ordinance shall not apply to the use of Recreational Vehicles by law enforcement, fire, emergency, military personnel in the performance of their duties or for other authorized governmental purposes.

SECTION 6. Miscellaneous Provisions

A. To the extent applicable, this Ordinance incorporates by reference thereto the provisions of the rules and regulations relating to the "Pennsylvania Snowmobile and All Terrain Vehicle Law," 75 Pa C.S.A. Section 7701 et seq.

B. The use of the singular shall include the plural. The use of headings is for convenience only.

C. Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

D. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

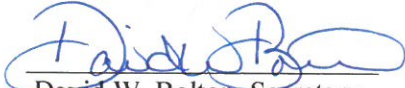
E. This Ordinance shall be effective immediately following its legal enactment.

F. *Article VI, Section 197-45 through 48 of The Code of the Borough of Abbottstown, as amended, is hereby repealed and replaced by this Ordinance.* The Code of the Borough of Abbottstown, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of the Borough of Abbottstown, as amended, upon enactment.

ORDAINED AND ENACTED this 20th day of October 2022.


ATTEST:

THE BOROUGH OF ABBOTTSTOWN


David W. Bolton, Secretary


Dennis Posey, President of Council

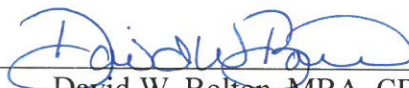
Approved this 20th day of October 2022.


Daniel W. Watkins, Sr., Mayor

CERTIFICATION

I hereby certify that I am the Secretary for Abbottstown Borough, Adams County, Pennsylvania, and that Ordinance No. 2022-04 was advertised in The Gettysburg Times on September 20, and October 1, 2022, a newspaper of general circulation in the municipality, was available at the Borough Office and online at the Borough website during this same period, was duly enacted and approved as set forth at the regular meeting of the Abbottstown Borough Council held on October 20, 2022, and that this is a true and correct copy of that Ordinance.

SEAL



David W. Bolton, MBA, CBO



Date