

**MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2436

ALL TERRAIN VEHICLE ORDINANCE

WHEREAS, the increasing use of all terrain vehicles within the municipal boundaries of the Municipality of Monroeville has generated safety, recreational and environmental issues which it is the responsibility of the Municipality of Monroeville to address; and

WHEREAS, the purpose of this Ordinance is to regulate the use of all-terrain vehicles to protect the environment, to ensure that the recreational use of all-terrain vehicles is compatible with other recreational uses within municipal boundaries, to promote the health and safety of the operators and the general public by requiring adherence to certain rules and regulations designed to ensure the safe operation of such vehicles, and to restrict the use of all-terrain vehicles to areas where such use is appropriate and permitted; and

WHEREAS, the Council for the Municipality of Monroeville hereby enacts and ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "ATV Ordinance of the Municipality of Monroeville."

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the authority granted to Home Rule Municipalities in the Commonwealth of Pennsylvania.

SECTION 3. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings:

- A. **ATV**
"ATV" means all-terrain vehicle.
- B. **Accompanied by an adult.**
"Accompanied by an adult" means within visual and voice contact

and under the effective control of a child's parent or guardian or another person 21 years of age or older.

C. All-terrain vehicle.

Shall include all of the following vehicles:

1. "All-terrain vehicle" or "ATV" means a motorized flotation-tire vehicle, with not less than three (3) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway but which contains design features that enable operation over natural terrain.

3. "Off-road utility vehicle" means a motorized flotation-tire vehicle, with not less than four (4) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel for control.

4. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks or treads.

SECTION 4. OPERATE

"To operate" in all its modes and tenses when it refers to an ATV, means to use an ATV in any manner within the jurisdiction of the Municipality of Monroeville, whether or not the vehicle is moving.

SECTION 5. OWNER.

"Owner" for the purposes of registration, means any person holding title to an ATV.

SECTION 6. OPERATING ON THE LAND OF ANOTHER.

A. Except as specified in subsection C of this section, no person shall go on or cross the land of another to operate an ATV without the written permission of the landowner, which written permission shall be carried on the person of the operator.

B. Any person operating an ATV upon the land of another shall stop and identify himself and shall produce this written permission to operate on the land upon the request of the landowner or his duly authorized representative or a law enforcement officer.

C. Members of an ATV club or other organization may operate ATV's on all or any portion of the land of another without carrying on their persons the written permission of the owners, provided that the club or organization has obtained written authorization from the landowner allowing members to operate ATV's upon all or designated portions of his land. The written authorization, when filed with the Municipality's Police Chief, shall constitute notice to law enforcement officers that members need not carry on their persons the written permission of the landowner to operate an ATV on his property.

SECTION 7. PROHIBITED ACTS.

A. Unlawfully operating an ATV on a snowmobile trail.

No person may operate any 4-wheel drive vehicle, dune buggy, ATV, motorcycle or any other motor vehicle, other than a snowmobile and appurtenant equipment, on snowmobile trails, unless that use has been authorized by the landowner or his agent, or unless the use is necessitated by an emergency involving safety of persons or property.

B. Unlawfully operating an ATV on a private road.

No person may operate an ATV upon any private road after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that road.

C. Operating an ATV on a public way.

Except as provided in subsection W, paragraph 3, no person may operate an ATV upon any portion of a public way maintained or utilized for the operation of conventional motor vehicles or upon the sidewalks of any public way.

D. Failing to stop an ATV before entering a public way.

No person who operates an ATV may enter a public way without first bringing the ATV to a complete stop.

E. Failing to yield right-of-way while operating an ATV.

Any person who operates an ATV on a public way shall yield the right-of-way to all other types of vehicular traffic.

F. Crossing a closed bridge, culvert, overpass or underpass with an ATV.

No person may cross with an ATV a bridge, culvert, overpass or underpass closed to ATV's by the Pennsylvania Department of Transportation and posted by appropriate notices.

G. Reckless operating on an ATV.

No person may operate an ATV in such a way as to recklessly create a substantial risk of serious bodily injury to another person.

H. Operating an ATV to endanger.

No person may operate any ATV so as to endanger any person or property.

I. Operating an ATV at greater than reasonable and prudent speed.

No person may operate any ATV except at a reasonable and prudent speed considering the existing conditions.

J. Unlawfully operating an ATV while under age.

No person who is under the age of 15 years of age may operate an ATV across any public way maintained for travel or operate an ATV while unaccompanied by an adult, except as provided in subsection W, Paragraph 4.

K. Operating an ATV without a certificate of training.

Except as provided in subsection W, paragraph 4, no person under 18 years of age may operate an ATV without having successfully completed a training course approved by the Commonwealth of Pennsylvania.

L. Permitting an unaccompanied child to operate an ATV.

Except as provided in subsection W, paragraph 4, no person may permit a child under 15 years of age to operate any ATV, unless the child is accompanied by an adult.

M. Operating an ATV without a muffler.

Except as provided in subsection W, paragraph 2, no person may operate an ATV that is not equipped at all times with an effective and suitable muffling device on its engine to effectively deaden or muffle the notice of the exhaust.

1. Each ATV shall meet noise omission standards of the United States Environmental Protection Agency, and in no case exceed 82 decibels of sound pressure at 50 feet on the "A" scale as measured by the SAE standards J-192.

2. Each ATV shall be equipped with a working spark arrestor.

3. No person may modify the exhaust system of any ATV in any manner which will increase the noise emitted above the emission standard provided in paragraph A.

N. Operating an ATV with insufficient lights.

Except as provided in subsection W, paragraphs 2 and 4, no person may operate an ATV unless the ATV is equipped as follows:

1. Every ATV shall have mounted on the front at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the ATV.
2. Every ATV shall have mounted on the rear at least one lamp capable of displaying a red light which shall be visible at a distance of at least 100 feet behind the ATV.

O. Failure to use ATV lights.

Except as provided in subsection W, paragraph 2 & 3, no person may operate an ATV except when using the lights required under subsection 2 & 3 as follows:

1. During the period from ½ hour after sunset to ½ hours before sunrise; and
2. At any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

P. Operating an ATV on railroad tracks.

No person may operate an ATV along or adjacent and parallel to the tracks of any railroad within the limits of the railroad right-of-way without written permission from the railroad.

Q. Operating too close to certain buildings.

Except as provided in subsection W, paragraph 3, no person may operate an ATV within 200 feet of any dwelling, hospital, nursing home, convalescent home or church.

R. Unlawfully permitting operation.

A person unlawfully permits the operation of an ATV, if he owns an ATV which is operated by another person in violation of any section of this Ordinance. A person unlawfully permits the operation of an ATV if he is the parent or guardian responsible for the care of a minor under 18 years of age who operates an ATV in violation of this Ordinance.

S. Failure to report accident.

Any person shall report an ATV accident if:

1. He is the operator of an ATV involved in any accident resulting in injuries requiring the services of a physician, in death of any person or in property damage to the estimated amount of \$200 or more; if he is some person acting for such an operator; or if he is the owner of the involved ATV and he has knowledge of the accident, should the operator of the ATV be unknown; and

2. Notice of the accident shall be provided by the quickest means of communications to a law enforcement officer available nearest to the place where the accident occurred.

T. Operating an ATV in a prohibited area.

No person may operate an ATV in any prohibited area, which areas are defined as any cemetery, burial place or burying ground, any municipal owned lands or on municipal, county or school owned property, and land dedicated for conservancy, other than on a trail designated for ATV use by any agency of Pennsylvania who has the power to designate such a trail.

U. Operating an ATV on cropland or pastureland.

No person may operate an ATV on any cropland or pastureland without the written permission of the owner or lessee. As used in this subsection, cropland means acreage in tillage rotation, land being cropped and land in bush fruits. Pastureland means acreage devoted to the production of forage plants used for animal production.

V. Registration.

An ATV that is to be operated in the Municipality must be registered through the Police Department of the Municipality of Monroeville. The Department shall charge a service fee of \$5.00 for each ATV registration issued.

W. Exceptions.

The following exceptions apply to the operation of an ATV.

1. Notwithstanding the provisions of subsection A:

(a) No registration is required for an ATV operated on land on which the owner lives or on lands on which he is domiciled, provided that the ATV is not operated elsewhere within the jurisdiction of this State;

(b) No registration is required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operation thereof, unless the ATV is required to cross a public way during that operation; and

(c) ATV's owned and operated in this State by the Federal Government, the State or a political subdivision of the State shall be exempt from registration fees, but shall be registered and required to display numbers.

2. Notwithstanding the above subsections, ATV's used exclusively for scheduled racing meets and operated solely on predefined race courses are exempt from the provisions of this subchapter concerning registration, mufflers, and lights during the time of operation of these meets and at all prerace practices at the location of the meet.

3. Notwithstanding the provisions of subsection O:

(a) ATV's may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a public agency having jurisdiction and when travel by conventional motor vehicles is not practicable; and

(b) ATV's may be operated on streets and public ways in special events of limited duration conducted according to a prearranged schedule, under a permit from the governmental unit having jurisdiction.

4. Notwithstanding the above subsections, subsections (a) and (b) do not apply on land which is owned by the parent or guardian of the operator. All other subsections do apply to the operation of ATV's on private property.

5. Notwithstanding subsection O, ATV's manufactured without a headlight or taillight are exempt from the provisions of that subsection while being operated between the hours of sunrise and sunset.

SECTION 8. VIOLATIONS

Any person who engages in any act prohibited by this Ordinance commits a civil violation and shall be liable for a civil penalty not to exceed \$100.00 and each day such activity occurs shall constitute a separate violation. All fines collected shall inure to the benefit of the Municipality of Monroeville.

SECTION 9. IMPOUNDMENT

A. Any ATV operated in violation of this Ordinance by a minor under eighteen (18) years of age may be impounded and shall be released only to the parent or guardian of the minor operating the impounded vehicle. The parent or guardian may claim the impounded vehicle upon payment of cost of the towing and impoundment.

B. Any ATV operated in violation of this Ordinance by a person eighteen (18) years of age or older, may be impounded, and shall be released only to the owner of the impounded vehicle upon payment of cost of towing and impoundment.

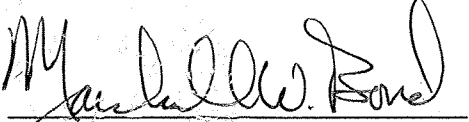
SECTION 10. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion.

SECTION 11. This Ordinance shall become effective the 9 day of December, 2008.

SECTION 12. The proper Municipality officials are authorized and directed to execute any and all documents necessary to affect this Ordinance.

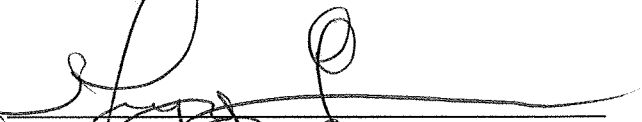
ORDAINED AND ENACTED into law this 9th day of December, 2008.

ATTEST:



Marshall Bond, Manager
Municipality of Monroeville

THE MUNICIPALITY OF MONROEVILLE



Gregory Erosenko, Mayor
Municipality of Monroeville

ENTERED INTO LEGAL BOOK ON: December 19, 2008