

ORDINANCE NO. 2020-1

**AN ORDINANCE OF PAINT TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA,
DESIGNATING THE PUBLIC ROADWAYS WITHIN THE TOWNSHIP OF PAINT AS
MIXED-USE RECREATIONAL AND REGISTERED VEHICLE ROADS AND
REGULATING THE USE OF RECREATIONAL VEHICLES THEREON.**

WHEREAS, the State of Pennsylvania has enacted legislation known as the Snowmobile and All-Terrain Vehicle Law (75 Pa. C.S.A. § 7701 *et seq.*), which authorizes municipalities such as Paint Township to designate any Highway, Road or Street within its jurisdiction as a Snowmobile Road, an ATV Road or both;

WHEREAS, the Supervisors of Paint Township have determined it is in the best interest of the Township and necessary and proper for the safety and welfare of the residents and Property Owners of the Township, along with all other users of the roads and streets within the Township, to designate all roads within the Township as "Joint Use" Roads so as to permit Snowmobile and ATV use as defined herein in conjunction with use by other Vehicles requiring Registration as these terms are defined at 75 Pa. C.S.A. § 102.

NOW, THEREFORE, the Township of Paint hereby **ORDAINS AND ENACTS** as follows:

ARTICLE I
SHORT TITLE

101.1. This Ordinance shall hereafter be known and cited as the "RECREATIONAL VEHICLE ORDINANCE."

ARTICLE II
PURPOSE

201. The purpose of this Ordinance is to designate all public Roads within the municipal boundaries of Paint Township as Snowmobile and ATV roads and that use of these roads will be shared with registered vehicular traffic.

ARTICLE III
DEFINITIONS

301. The following terms shall have the meaning provided at 75 Pa. C.S.A. § 7702 as amended:

- (a) All-Terrain Vehicle or "ATV"
- (b) Department
- (c) Head Lamp
- (d) Highway
- (e) Snowmobile
- (f) Street
- (g) Tail Lamp

302. The following terms shall have the meaning provided at 75 Pa. C.S.A. § 102:

- (a) Motor Vehicle
- (b) Registration
- (c) Traffic
- (d) Trafficway
- (e) Vehicle

303. Additionally, for purposes of this Ordinance, the following additional terms are defined as follows:

(a) "Joint-Use" means shared use of Roads or Streets within the Township by Recreational Vehicles and a Vehicle or Vehicles requiring Registration.

(b) "Operator" means any person who operates or is in actual physical control of a Recreational Vehicle.

(c) "Owner" means any of the following:

- (1) a person who holds the legal title to a Recreational Vehicle;
- (2) 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

(3) a person renting a Recreational Vehicle or having the exclusive use of a Recreational Vehicle.

(d) "Operate" means to ride in or on and to be in actual physical control of the operation of a Recreational Vehicle.

(e) "Person" means an individual, partnership, corporation, the State or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.

(f) "Road" or "Roadway" means the improved portion of a Highway or Street within the jurisdiction of the Township designated for public use to include the berm that is designated or ordinarily used for travel by a Vehicle requiring Registration.

(g) "Recreational Vehicle" means an All-Terrain Vehicle (ATV) or Snowmobile as defined at 75 Pa. C.S.A. § 7702 as amended.

(h) "Shoulder" or "Berm" means that portion of a Road or Street on either side of the paved portion of the Road that is improved with gravel for the safety and convenience of vehicular traffic and which is within the Township right-of-way for the Road or Street in question.

(i) Any term not defined herein that is necessary for proper interpretation of this Ordinance shall have the definition found in the Pennsylvania Vehicle Code (75 Pa. C.S.A. § 101 *et seq.*), or where not defined therein, the term's plain meaning.

ARTICLE IV **DESIGNATION OF HIGHWAYS AND STREETS**

401. As permitted under the provisions of the Pennsylvania Vehicle Code pertaining to Snowmobiles and All-Terrain Vehicles at 75 Pa. C.S.A. § 7722(a), all Roads within Paint Township shall be and are hereby designated as ATV and Snowmobile Roads and hereinafter, these Roadways shall be designated as "Joint Use" Roads, as defined herein and as permitted in this Ordinance and other Ordinances of Paint Township.

ARTICLE V
REGULATIONS PERTAINING TO THE USE OF RECREATIONAL VEHICLES

501. Any Person who Operates a Recreational Vehicle on a Roadway within Paint Township shall do so only in full compliance with the provisions of the Pennsylvania Snowmobile and All-Terrain Vehicle Law, 75 Pa. C.S. § 7701 *et seq.* (as amended), which is incorporated herein by reference.

502. Every person who operates a recreational Vehicle on a Road within Paint Township must have in their possession a valid operator's license (driver's license) issued by the Commonwealth of Pennsylvania, Department of Transportation, or other State.

503. No Person shall Operate, and no Owner or Dealer shall permit the Operation of a Recreational Vehicle in any of the following ways:

(a) Across a privately-owned driveway that abuts the public Roadway.

(b) Without displaying a lighted Head Lamp and a lighted Tail Lamp at all times of operation on a Roadway within the Township.

(c) Unless such Recreational Vehicles are equipped with a stock muffler in good working order.

(d) Snowmobiles are prohibited from Operating on a Roadway that is not snow covered. For purposes of this provision, a road is considered snow covered where the pavement is not visible through the snow cover. Where a Road is NOT snow-covered, a Snowmobile may only operate on the Shoulder or Berm of the Road provided that no portion of the ski or skis is in contact with the paved non-snow-covered portion of the Roadway.

504. In the event of a conflict between any provision of this section and a provision of the Pennsylvania Snowmobile and All-Terrain Vehicle Law, or the Pennsylvania Motor Vehicle Code, the more restrictive provision shall apply.

ARTICLE VI
PENALTIES

601. In addition to any other remedy or penalty available or imposed by law, any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance, which shall be found to have been violated shall constitute a separate offense.

ARTICLE VII
SEVERABILITY

701. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, such declaration or decision shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Paint Township Board of Supervisors that this Ordinance would have been enacted had any such unconstitutional, illegal or invalid provision not been included therein.

ARTICLE VIII
REPEALER

801. Any Ordinances or portions of Ordinances of Paint Township which are inconsistent herewith are hereby repealed.

ARTICLE IX
GENDER

901. In the language set forth in this Ordinance, the singular shall include the plural, and the masculine the feminine and/or either gender where appropriate.

ARTICLE X
EFFECTIVE DATE

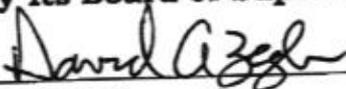
1001. This Ordinance shall become effective on the date of enactment hereof.

ARTICLE XI
FILING OF ORDINANCE

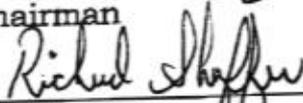
1101. This Ordinance shall, upon enactment, be properly filed with Paint Township records in the office Township Ordinance Book at the Township Offices.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Paint in lawful session assembled this 1 day of September, 20 .

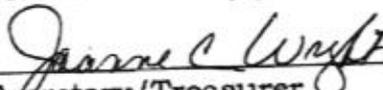
TOWNSHIP OF PAINT
By its Board of Supervisors



Chairman



Vice-Chairman



Secretary/Treasurer

SECRETARY'S CERTIFICATE

I, the undersigned, hereby certify that I am the Secretary of the Board of Supervisors of Paint Township, Somerset County, Pennsylvania, and that the foregoing or attached ordinance is a true and correct copy of said ordinance, duly enacted and adopted by the affirmative vote duly recorded of a majority of the members of the Board of Supervisors of said Township at a meeting of the Board of Supervisors duly called, posted and advertised, which meeting was held on the 1 day of September, 2020, at which a quorum was present, and I do further certify that the foregoing or attached ordinance is duly spread upon or attached to the minutes of said meeting and that, as of the time hereof, said ordinance has not been amended, modified or rescinded and is still in full force and effect. I further certify that said ordinance or a summary thereof was duly published prior to adoption as required by law, and after adoption, if required by law, the same was duly filed in the office of the Recorder of Deeds of Somerset County, Pennsylvania.

The ordinance referred to in this Certificate is titled:

AN ORDINANCE OF PAINT TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA, DESIGNATING THE PUBLIC ROADWAYS WITHIN THE TOWNSHIP OF PAINT AS MIXED-USE RECREATIONAL AND REGISTERED VEHICLE ROADS AND REGULATING THE USE OF RECREATIONAL VEHICLES THEREON.

Witness my hand and the seal of the Township this 1 day of September, 2020.

Joanne C Wright
Secretary, Board of Supervisors
Paint Township, Somerset County,
Pennsylvania