

CALN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP CODE SPECIFICALLY CHAPTER 151, TITLED, "VEHICLES, MOTOR-DRIVEN" TO RETITLE SUCH CHAPTER, UPDATE REGISTRATION REQUIREMENTS, REMOVE PROVISIONS THAT ARE SUPERSEDED BY STATE LAW, MODIFY PROVISIONS REGULATING THE OPERATION AND USE OF CERTAIN VEHICLES AND PROVIDE FOR VIOLATION AND PENALTY PROVISIONS RELATED TO ILLEGAL USE OF SUCH VEHICLES.

BE IT ENACTED AND ORDAINED by the authority of the Caln Township Board of Commissioners that the Caln Township Code shall be amended as follows:

SECTION 1. Chapter 151 is hereby amended in its entirety and shall be replaced, re-titled and read as follows:

"Chapter 151. All-Terrain Vehicles and Dirt Bikes.

§ 151-1. Purpose.

The purpose of this chapter is to regulate the use of all-terrain vehicles and dirt bikes to protect the operators of such vehicles, and to protect the health, safety and welfare of the residents of Caln Township.

§ 151-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE (ATV)

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 multitrack, multi-wheel or low-pressure-tire vehicle or related two-wheel, three-wheel, four-wheel or belt-driven vehicle, or an amphibious machine. The definition of ATV excludes golf carts, construction machines, utility vehicles used for utility or business operations, agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's private property, or motorized vehicles being used for law enforcement, fire, emergency, military or other authorized governmental purposes.

DIRT BIKE

A motorcycle with tires and suspension designed and built for riding on unpaved roads and over rough terrain.

OPERATE

To use in any manner within the boundaries of Caln Township.

PRIVATE PROPERTY

Any land, rights-of-way, roads or other real property owned, maintained, or otherwise under the control of any person or entity other than local, county or state government and not available for general use by the public.

§ 151-3. Registration requirements.

Registration of ATVs and dirt bikes governed by this chapter is required in accordance with the registration provisions of Pennsylvania law. Certain types of dirt bikes may not require registration. Proof of registration in the nature of copies of the registration documents required by state law shall be supplied to the Caln Township Police Department or the Township’s designee when requested in the course of enforcing the provisions of this chapter.

§ 151-4. Operation and use.

A. Owner or occupant. Only the owner or occupant or their guests or invitees shall be permitted to operate an ATV or dirt bike on private property.

B. Access limitation. No person shall go on or cross the land of another with an ATV or dirt bike without the written permission of the owner or occupant which written permission shall be carried on the person of the operator. No person shall operate an ATV or dirt bike on public roads unless properly registered and licensed for such purpose.

C. Acreage and Setback requirements. No ATV or dirt bike shall be operated on any property with a gross lot size of less than 3 acres in order to provide for adequate separation from adjacent properties and occupied structures on adjacent properties. A person operating an ATV or dirt bike on private property must remain at least 200 feet from any adjoining or adjacent property line.

D. Time limitations. It shall be unlawful for any person to operate an ATV or dirt bike for recreational purposes between the hours of 10:00 p.m. and 7:00 a.m., prevailing time. Operation of ATVs and dirt bikes will be limited to a one-hour session with a three-hour rest before the next operation of the vehicle. The rest period must be provided in order to avoid any disturbance of the peace within the Township. Operation within this prohibited time period shall be considered a disturbance of the peace within the Township.

E. Noise limitation. No person shall operate an ATV or dirt bike without an effective and suitable muffling device on its engine, which efficiently deadens or muffles the noise of the exhaust. Operation of an ATV or dirt bike shall be subject to and compliant with the noise limitations, restrictions and requirements set forth in Chapter 155 - the Township's Zoning Ordinance.

F. Dust limitation. No person shall operate any ATV or dirt bike in any manner which creates dust which crosses onto any adjoining or adjacent property. Visible dust, mud or debris shall not leave the property boundaries of the parcel where vehicles governed by this chapter are operated.

G. Environmentally sensitive area limitation. No person shall operate, allow or permit the operation of an ATV or dirt bike within a stream, creek, waterway, drainageway, wetland, or floodplain.

§ 151-5. Violations and penalties.

A. Violations; persons liable. It shall be unlawful and a violation of this chapter for any person to violate any provision of this chapter and any such violation shall subject the owner of the property and any person operating an ATV or dirt bike in violation of this chapter to the enforcement and penalty provisions set forth in this section.

B. Enforcement and penalties. The Caln Township Police Department, the Pennsylvania State Police and such persons as may from time to time be designated by the Township are authorized to make a determination of a violation of, and to enforce, the provisions of this chapter. The first violation of this chapter shall result in the issuance of a citation, and upon being found guilty thereof, shall subject the violator to a fine of \$250. A second or subsequent violation of this chapter shall result in the issuance of a citation, and upon being found guilty thereof, shall subject the violator to a fine of \$600 for a second offense, and \$1,000 for the third and each subsequent offense. Upon default in payment of a fine or upon a guilty finding of a third or subsequent offense, the violator may be subject to a term of imprisonment up 90 days, or the maximum otherwise allowed by law. Each day that a violation continues or each section of this chapter that is found to be violated shall be considered a separate violation. (suggest you mirror other penalty sections in Caln Code where enforcement is criminal. This language may be from City Code)

C. All offenders convicted of violating this chapter shall pay the costs of prosecution in addition to any fine and court costs.

D. Any person guilty of a violation of this chapter may also be subject to civil proceedings for damages and/or injunctive relief by the owner of the property where violation(s) occur, the Township, and any entity injured or damaged by such violation.

E. Both criminal and civil proceedings may be commenced against a person violating this chapter, and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against such violator.

§151-6. Impoundment of ATV or dirt bike.

In addition to any enforcement actions brought under the immediately preceding section, in the event a person is operating an ATV or dirt bike in violation of this chapter on the street or on private property without the owner's consent, a police officer may impound any ATV or dirt bike operated by such person. Any such vehicle impounded by a police officer may be redeemed by the owner or person authorized by the owner, upon payment of any fines and costs, as well as all costs of towing and storage applicable to such vehicle, and subject to providing documentation establishing proof of registration.”

SECTION 2. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 3. General Code. General Code is hereby authorized to make any necessary formatting, section number updates and numerical changes needed in order for this Ordinance to be made consistent with the formatting, section numbers and numbering standards application to the Township Code as published by General Code.

SECTION 4. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 5. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED this ____ day of _____, 2021.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Kristen Denne, Secretary

Paul Mullin, President

Jane Kennedy, Vice-President

Joshua B. Young, Member

Lorraine M. Tindaro, Member

Mark Evans, Member