

NOTTINGHAM TOWNSHIP
Washington County, Pennsylvania

ORDINANCE NO. 92

**AN ORDINANCE REGULATING THE USE OF OFF-ROAD VEHICLES AND
PROVIDING PENALTY FOR THE VIOLATION THEREOF**

WHEREAS, the operation of off-road vehicles within the Township of Nottingham can pose a hazard to the safety, health, well-being and disturb the right of quiet enjoyment of the citizens of Nottingham Township; and

WHEREAS, it being necessary for the said safety, health and well being of the citizens of Nottingham Township to regulate the use and operation of off-road vehicles in Nottingham Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Nottingham that:

SECTION 1: DEFINITIONS. As used in the ordinance:

OFF-ROAD VEHICLES: Shall include any motor driven vehicle required to be licensed by the Commonwealth of Pennsylvania, commonly known as dirt bikes, trail bikes, mini bikes, all terrain vehicles (ATV), quads, trikes, snowmobiles, snow machines, dune buggies, go-carts and the like, regardless of the number of wheels or lack of wheels and which are commonly used for off-road use.

OPERATION: Shall mean the use of said vehicles.

SECTION 2: APPLICABILITY, EXCLUSIONS AND INCIDENTAL USE.

The provisions of this Ordinance apply to all Zoning Districts in Nottingham Township but excluded from its applicability is any off-road vehicle being used for emergency use, farm, home, garden, lawn, seeding, plowing, grounds & property maintenance, vehicle maintenance activities, agricultural purposes, work, hunting, fishing and trapping activities or incidental use such as bridge/culvert crossing, direct crossing of streets or highways or travel for the purpose of deliveries or visitation to properties.

SECTION 3: OPERATION OF OFF-ROAD VEHICLES.

- A. No person shall operate an off-road vehicle such that the operation of said vehicle is objectionable because of the volume or frequency of the noise that occurs or is generated on a regular, frequent and/or continual basis in excess of 80 dBA as measured on a decibel or sound meter of standard quality and design operated on the A-weighting scale at any property line (and/or beyond any such property line, of the property in which the noise source is located).
- B. No off-road vehicle as herein defined shall be operated on private property without the prior approval of the owners of the private property where such off-road vehicles operate.

- C. No off-road vehicle shall be operated on any property owned or controlled by Nottingham Township unless such property is posted specifically to allow such operation. In no event shall such designated areas be deemed to include sidewalks, walkways, bike paths, walking trails, parks or paved right of ways which are otherwise primarily used for pedestrian or other vehicular traffic.
- D. Nothing contained in this Ordinance shall authorize the operation of off-road vehicles on the public or private streets, roadways or highways within Nottingham Township in such instances where said off-road vehicles could not otherwise be lawfully operated pursuant to provisions of the Pennsylvania Motor Vehicle Code.
- E. No off-road vehicle shall be operated in such a manner that is unreasonably dangerous to the safety and well being of any person or real or personal property in its immediate vicinity.
- F. No off-road vehicle shall be operated within 75 feet of any property line where permission of the property owner has not been previously obtained. It shall be the responsibility of the off-road vehicle user and/or owner to identify the owner(s) of all properties from whom prior permission must be obtained, as well as adjacent property owner(s) and property lines. See paragraph B above. Where a conflict exists between the provisions of this paragraph and paragraph G herein, the provisions of paragraph G prevail.
- G. No off-road vehicle shall be operated within 250 feet of an occupied structure or residence unless the off-road vehicle user/owner owns said structure or residence or has the permission of the owner of said occupied structure or residence.
- H. No off-road vehicle shall be operated in such a manner as to create an unreasonable amount of dust or dirt. An "unreasonable amount" of dust or dirt shall mean suspended particle matter visible to the unaided or naked eye that is conveyed onto any adjoining or adjacent property.
- I. Hours of Operation for all off-road vehicles, except as authorized in Sections 2 and 3 of this Ordinance shall be as follows:
- No earlier than Dawn or 7:00 a.m. – whichever occurs later.
 - No later than Dusk or 8:00 p.m. – whichever occurs earlier.
- J. No off-road vehicles, off-road trails, tracks, ramps, raceways and/or courses shall be operated in the R-1, R-2 and R-3 Zoning Districts, except on lots of 10 acres or larger, and as authorized by Sections 3B, 3F and 3G. The pooling of lots by land owners or lessors to meet the 10 acre requirement is permitted in the R-1 Zoning District.
- K. All ATV's and Snowmobiles are required to be registered and titled with the Pennsylvania Department of Conservation and Natural Resources as required by the Pennsylvania Motor Vehicle Code, except those used exclusively for farming or business purposes.

SECTION 4: PENALTIES.

Any person who shall violate any provision of this Ordinance shall, upon conviction by a District Justice pay a fine of not more than \$500.00, plus all court costs, including reasonable attorney fees incurred by the Municipality. Each day's violation shall be deemed a separate offense.

SECTION 5: SEVERABILITY.

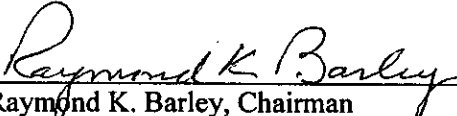
In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof, shall be declared illegal, invalid or unconstitutional for any reason, the remaining provisions of the Ordinance shall not be affected, impaired or invalidated by such action and the Ordinance shall be interpreted and enforced as if this Ordinance had been enacted without containing such invalid material.

SECTION 6: CONFLICT.


Any ordinance, or part of ordinance, which conflicts with this Ordinance is hereby repealed so far as the same is in conflict with this Ordinance.

ORDAINED AND ENACTED THIS 15th DAY OF Nov., 2010.

Nottingham Township Board of Supervisors


Raymond K. Barley, Chairman


Douglas S. King, Vice Chairman


Peter V. Marcoline, Jr., Member

ATTEST:


Emilie J. Gadd, Township Secretary