

BOROUGH OF BALDWIN
ORDINANCE NO. 872

AN ORDINANCE OF THE BOROUGH OF BALDWIN,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA AMENDING ORDINANCE 739,
REGARDING REGULATING THE OPERATION OF
RECREATIONAL MOTORIZED VEHICLES WITHIN THE
BOROUGH OF BALDWIN.

WHEREAS, the Council of the Borough of Baldwin has an interest in promoting the health, safety and welfare of all residents of the Borough and has an interest in providing all residents with peaceful and quiet enjoyment of the property they occupy; and

WHEREAS, it has become necessary to establish reasonable and responsible rules and regulations regarding the use of All-Terrain Vehicles (hereinafter "ATV's"), motor bikes and other recreational motor vehicles in the Borough of Baldwin; and

WHEREAS, the Borough of Baldwin is desirous of enacting an Ordinance prohibiting the use of recreational motor vehicles within the Borough, except as set forth herein, and providing penalties for violations of this Ordinance.

WHEREAS, the Borough of Baldwin enacted Ordinance No. 739 on February 20, 2000, and is codified as Chapter 159 of the Code of the Borough of Baldwin; and

WHEREAS, said Ordinance must be amended and re-written substantially.

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Borough Council of Baldwin, Allegheny County, Pennsylvania, as follows:

Chapter 159 of the Code of the Borough of Baldwin is amended and will now read as follows:

Chapter 159. RECREATIONAL MOTORIZED VEHICLES

§159-1. Purpose

This Ordinance seeks to improve the safety and quiet enjoyment of individuals living and/or doing business in the Borough of Baldwin, and to eliminate noise and dust and other air and ground pollution incident to the operation of ATV's, dirt bikes or other recreational motor vehicles on property within the limits of the Borough. The Ordinance also seeks to advance the purposes set forth in the Baldwin Borough Zoning Ordinance and is intended to prevent a public nuisance.

§159-2. Definitions

A. "Shall": For the purposes of this Ordinance, the term "shall" is always mandatory and not discretionary.

B. "Recreational Motorized Vehicles": A recreational motorized vehicle is defined for purposes of this Ordinance as follows: any self-propelled motorized vehicle used for recreational purposes, including a trail bike or other all-terrain vehicle, dirt bike, motor scooter, moped or snowmobile being used for off-road recreational purposes.

Motor scooter, for purposes of this Ordinance, means a vehicle that has motive power, a seat, but not a saddle, for the driver, two wheels, and a floor pad for the driver's feet and is not a vehicle intended for use due to health issues or disability of the operator.

All-terrain vehicle, or ATV, for the purposes of this Ordinance, means any motorized vehicle with three wheels or four wheels designed for use off of paved trails or roads which operates on three or more inflatable tires which are (1) a maximum of 50 inches and a maximum dry weight of 800 pounds (Class 1 ATV), or (2) a width which exceeds 50 inches or a dry weight which exceeds 1000 pounds (Class 2 ATV). The term ATV shall include all-terrain vehicles as described above, "quads", "quad bikes", and tandem ATV's.

C. "Owner": Any person who has legal or equitable title to the property on which an ATV, dirt bike or other recreational motorized vehicle is being operated.

D. "Occupant": A person who is legally entitled to reside on the property on which an ATV, dirt bike or other recreational motorized vehicle is being operated.

E. "Operator": A person who is operating an ATV, dirt bike or other recreational motorized vehicle.

§159-3. Operation

It shall be unlawful for any individual to operate an ATV, dirt bike or other recreational motorized vehicle, as defined above, on any public or private street or public or private property in the Borough of Baldwin, except under the conditions set forth in §159-4 herein.

§159-4. Exceptions and Conditions

- A.** Specifically excluded from this Ordinance are all ATV's, dirt bikes and other recreational motorized vehicles used by the Baldwin Borough Police Department for law enforcement purposes and other municipal and government employees, including military personnel, using said vehicles for the purpose of carrying out the functions of their official positions.
- B.** Excluded from this Ordinance are motorized wheelchairs or scooters or other necessary equipment used to transport an individual due to that individual's physical disability or medical condition as certified by a medical doctor.
- C.** Also excluded from this Ordinance are off-road motorized vehicles used as utility vehicles for agricultural purposes, snow plowing/removal, lawn care, brush clearing of landowner's property, or any other "reasonable" property maintenance and/or landscaping.
- D.** Operation of recreational motorized vehicles is allowed between the hours of 11:00 a.m. and 8:00 p.m. or sunset, whichever comes first. Operation in residential districts on Sundays is prohibited, except operation for maintenance only, which is to be limited to no more than one hour between 11:00 a.m. and 8:00 p.m. or sunset, whichever comes first.
- E.** Operation of recreational motorized vehicles must not be within five hundred (500) feet of any residential property line.
- F.** Recreational motorized vehicle riders must show written proof that property owners have allowed them to ride on their property.
- G.** Operation of recreational motor vehicles must not be done in a way so as to create loud and unnecessary or unusual noises so as to disturb or interfere with the peace and quiet of the residents of the Borough of Baldwin.
- H.** Man-made tracks and/or courses designed for racing recreational motor vehicles or other recreational purposes are prohibited in all residential districts within the Borough of Baldwin.
- I.** All recreational motorized vehicles must be operated in a manner that does not violate any local, state or federal laws.

§159-5. Compliance with Pennsylvania Law

To the extent applicable, this Ordinance incorporates by reference Pennsylvania's All-Terrain Vehicle Law as contained in Part 6, Chapter 77 of the Pennsylvania Vehicle Code

and state regulations set forth in Title 17 Pa. Code, Chapter 51. All provisions shall be strictly enforced.

§159-6. Enforcement

A violation of this Ordinance shall be deemed a public nuisance and a summary offense and shall subject the Owner/Occupant of the property and/or any person operating an ATV, dirt bike or other recreational motorized vehicle in violation of this ordinance to summary offense enforcement proceedings.

The Baldwin Borough Police Department and the Code Enforcement Officer(s) of the Borough of Baldwin are hereby authorized to make an initial determination of violation of this Ordinance and to enforce provisions of this Ordinance.

All enforcement officers in the state, including local and state police, shall have the authority, as set forth in Pennsylvania's Snowmobile and All-Terrain Vehicle Law and state regulations, to enforce Pennsylvania's Snowmobile/ATV Law, with municipal and state police having enforcement authority on private land.

§159-7. Jurisdiction

Any violation of this Ordinance shall be within the jurisdiction of the District Justice whose jurisdiction covers the Borough of Baldwin as well as Courts from which the District Judge's decision may, under the statutes of the Commonwealth of Pennsylvania, be appealed.

§159-8. Violations and Penalties

Any person violating any provision of this Ordinance shall be fined \$100.00 plus the costs of prosecution, for his or her first offense; \$250.00 plus the cost of prosecution for his or her second offense; and \$1,000.00 plus the cost of prosecution for his or her third or subsequent offense, as well as impoundment of the vehicle. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Violation of this Ordinance shall be a summary offense, subject to summary enforcement proceedings and the appropriate officers or agents of the Borough of Baldwin are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. Upon default in payment of a fine and upon a guilty finding of violation of this Ordinance, the violator may be subject to a term of imprisonment up to the maximum allowed for a summary offense.

§159-9. Impoundment of Vehicle

Upon the third or subsequent offense for violation of this Ordinance, the Police Department of the Borough of Baldwin or the Code Enforcement Officer of the Borough may confiscate

and impound any vehicle operated in violation of this Ordinance. The vehicle shall be returned to the owner thereof upon payment of any fine imposed as a result of the violation of this Ordinance and upon payment of any storage charge incurred as a result of the impoundment.

§159-10. Rules of Interpretation

In this Ordinance, the use of the singular shall include the plural, and the use of headings is for convenience only.

§159-11. Severability

If a section, provision or part of this Ordinance shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any sections, provisions or parts thereof not adjudged invalid or unconstitutional.

§159-12. Effective Date

This Ordinance shall be in full force and effect from the date of its adoption by the Baldwin Borough Council and upon publication provided by law.

ORDAINED AND ENACTED INTO LAW this 15th day of November, 2016.

ATTEST:


Borough Manager

BOROUGH OF BALDWIN

By: 
Michael Stelmaszczyk, President of Council

APPROVED AS TO FORM:

Borough Solicitor

Examined and approved this ___ day of _____, 2016.

David Depretis, Mayor