

**PARADISE TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007-04

**AN ORDINANCE REGULATING THE OPERATION AND USE OF RECREATIONAL
VEHICLES WITHIN PARADISE TOWNSHIP AND PROVIDING PENALTIES FOR
VIOLATION THEREOF**

WHEREAS, the use and operation of recreational vehicles within Paradise Township may create a public nuisance and adversely affect the public's health, safety and welfare by the creation of excessive noise, dust and fumes; and

WHEREAS, the purpose of this Ordinance is to provide for the reasonable regulation of recreational vehicles in Paradise Township so as to reduce noise and air pollution, protect the public's health, safety and welfare, and to provide for the peaceable and quiet enjoyment of property.

NOW, THEREFORE, pursuant to the authority of Section 1529 and 1601 of the Second Class Township Code, 53 P.S. Section 65101, et seq., the Board of Supervisors of Paradise Township hereby enacts and ordains the following:

SECTION 1. Definitions

OCCUPANT – a Person who regularly resides on the property in question.

OWNER – any Person who has legal or equitable title to the property on which a Recreational Vehicle is being operated

PERSON - an individual, group of individuals, a partnership, firm, association or any other entity.

RECREATIONAL VEHICLE – All motorized vehicles, designed or re-designed or otherwise being used for off-road recreational use, including, but not limited to the following:

- (a) Motorcycles
- (b) Trail bikes
- (c) All terrain vehicles (ATVs)
- (d) Go carts
- (e) Snowmobiles
- (f) Trucks, sports utility vehicles (SUVs), and 4 wheel drive vehicles

- (g) Any other similar mechanized vehicle (excluding battery only operated vehicles)

The term "recreational vehicle" shall not include motorized vehicles for law enforcement, fire emergency, military, or other authorized government purposes, or off-road motorized vehicles uses as utility vehicles for agriculture, husbandry, lawn care, snow removal or business operations.

SECTION 2. Operation and Use of Recreational Vehicles on Private Property

The following regulations shall apply for the use of a Recreational Vehicle on private real property:

A. Owner or Occupant. Only the Owner, Occupant, permitted guests and family may operate a Recreational Vehicle on private real property subject to the restrictions outlined herein.

B. Setback Requirements.

(1) A Person operating a Recreational Vehicle must remain at least three hundred (300) feet from any property line, including property road frontage and associated roadway right-of-way lines, unless written permission has been obtained by t the adjoining property owner to operate the recreation al vehicle within any reduced setback, and with any additional mutually agreed terms and conditions.

(2) It shall not be a violation of this Section to operate a motorcycle or similar on-road vehicle within the required setback for purposes of ingress and egress from or onto a driveway.

C. Additional Restrictions.

(1) No more than two (2) Recreational Vehicles may be operated at the same time.

(2) A person may operate a Recreational Vehicle only between the hours of 8:00 a.m. to 8:00 p.m., prevailing time.

(3) An operator or operators may ride a Recreational Vehicle for no longer than a total of one (1) hour at a time with a two (2) hour rest period between the next operation of a Recreational Vehicle.

D. Dust. A Person shall not generate or permit to be generated as a result of the use or operation of any Recreational Vehicle, any dust to cross over onto an adjoining or adjacent property that will interfere with the reasonable use and enjoyment of the residential use of the property, either inside or outside.

E. Equipment Exhaust. All Recreational Vehicles shall be fitted with the original equipment exhaust while in operation.

F. Environmentally Sensitive Areas. No Person shall operate, allow or permit the operation of a Recreational Vehicle within a stream, creek, waterway, drainage-way, wetland, or erosion sensitive areas, or within twenty (20) feet of such environmentally sensitive areas.

G. Livestock. No Person shall operate, allow or permit the operation of a Recreational Vehicle within five hundred (500) feet of any type of livestock.

SECTION 3. Operation and Use of a Recreational Vehicle on Township Property

No Person shall operate a Recreational Vehicle on Township property without the express written consent of the Township.

SECTION 4. Enforcement and Penalty

A. A violation of this Ordinance shall be deemed a public nuisance, and shall subject the Owner of the property and/or any Person operating a Recreational Vehicle in violation of this Ordinance to summary enforcement proceedings.

B. The Northern Regional Police Department (or successor police department) and such persons as may be designated by resolution of the Board of Supervisors are authorized to make an initial determination of violation of this Ordinance, and to enforce the provisions of this Ordinance. An initial determination of a violation of this Ordinance shall result in a verbal warning to the Owner, Occupant or operator of the Recreational Vehicle.

C. A second or subsequent violation of this Ordinance shall be subject to summary enforcement proceedings and upon being found guilty thereof shall subject the violator to a fine of \$250.00 for a second offense (following a verbal warning), \$500.00 for a third offense, and \$750.00 for a fourth and each offense thereafter. Upon default in payment of a fine and upon a guilty finding of a third or subsequent offense the violator may be subject to a term of imprisonment up to the maximum allowed by law for a summary offense. Each day that a violation continues or each section of this Ordinance that is found to be violated shall be considered a separate violation.

SECTION 5. Miscellaneous Provisions

A. To the extent applicable, this Ordinance incorporates by reference thereto the provisions of the rules and regulations relating to the "Pennsylvania Snowmobile and All Terrain Vehicle Law," 75 Pa C.S.A. Section 7701 et seq.

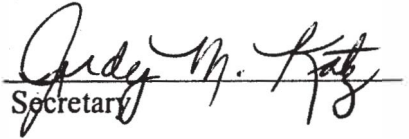
B. The use of the singular shall include the plural. The use of headings is for convenience only.

C. The sections of this Ordinance are severable, and if any section or part thereof is found to be unconstitutional or unenforceable, then such finding shall not affect the validity of the remaining sections or parts thereof.

D. This Ordinance shall be effective five (5) days after adoption.

Enacted and Ordained this 24th day of January, 2007.

ATTEST:


Secretary

PARADISE TOWNSHIP
BOARD OF SUPERVISORS


Supervisor


Supervisor


Supervisor

DRAFT