

Gilpin Township, Armstrong County, Pennsylvania

AN ORDINANCE OF GILPIN TOWNSHIP, ARMSTRONG COUNTY, PENNSYLVANIA, DESIGNATING ALL TOWNSHIP ROADWAYS WITHIN THE TOWNSHIP OF GILPIN AS MIXED-USE RECREATIONAL AND REGISTERED VEHICLE ROADS AND REGULATING THE USE OF RECREATIONAL VEHICLES THEREON PURSUANT TO 75 Pa. C.S.A. §7701 et seq.

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 to designate any Highway, Road or Street within its jurisdiction as a Snowmobile Road, an ATV Road or both; and

WHEREAS, the Gilpin Township Board of Supervisors under the recommendation of the Gilpin Township Police Department has 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 within Gilpin Township, along with all other users of the roads and streets within the Township, to designate select Township Maintained roads within the Township as "Joint Use" Roads so as to permit ATV and UTV 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 Gilpin Township Board of Supervisors hereby ORDAINS AND ENACTS that:

Section 1 – Purpose

- A. The purpose of this Ordinance is to designate select Township Maintained Roads within the municipal boundaries of Gilpin Township as ATV roads and that use of these roads will be shared with registered vehicular traffic.

Section 2 – Definitions

- A. The following terms shall have the meaning provided at 75 Pa.C.S.A. §7702 as amended:
 1. All-Terrain Vehicle or “ATV”
 2. Department
 3. Head lamp
 4. Highway
 5. Street
 6. Tail Lamp
- B. The following terms shall have the meaning provided at 75 Pa.C.S.A. §102:
 1. Motor Vehicle
 2. Registration

3. Traffic
4. Traffic way
5. Vehicle

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

1. "Joint-Use" means shared use of Roads or Streets within the Township by Recreational Vehicles and a Vehicle or Vehicles requiring Registration.
2. "Operator" means any person who operates or is in actual physical control of a Recreational Vehicle.
3. "Owner" means any of the following:
 - a. a person who holds the legal title to a Recreational Vehicle;
 - b. 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
 - c. a person renting a Recreational Vehicle or having the exclusive use of a Recreational Vehicle.
4. "Operate" means to ride in or on and to be in actual physical control of the operation of a Recreational Vehicle.
5. "Person" means an individual, partnership, corporation, the State or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.
6. "Road" or "Roadway" means the improved portion of a Highway or Street within the jurisdiction of Gilpin Township designated for public use to include the berm that is designated or ordinarily used for travel by a Vehicle requiring Registration.
7. "Recreational Vehicle" means an All-Terrain Vehicle (ATV) as defined at 75 Pa. C.S.A. §7702 as amended.
8. "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.
9. 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.

Section 3 – Designation of Highways and Streets

A. 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), these select roads or portions of roads within Gilpin Township shall be and are hereby designated as ATV 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 Gilpin Township:

1. All Roads within the Township of Gilpin Maintained by the Township of Gilpin and classified as Township Roadways, with exceptions.
2. The following roadways shall not be named multi-use:
 - a. Park Road
 - b. James Leech Road
 - c. Lehigh Drive
 - d. Highland Drive
 - e. Beatty Road
 - f. Veterans Avenue
 - g. Any Private Drive within Gilpin Township
 - h. ANY Roads Maintained by the State of Pennsylvania including Ice Pond Road, Lovers Leap Road, Novinger Road, Schenley Road, and State Route 66

Section 4 – Regulations Pertaining to the Use of Recreational Vehicles

- A. Any Person who Operates a Recreational Vehicle on a Multi-Use Roadway within Gilpin Township shall do so only in full compliance with the provisions of the Pennsylvania Snowmobile and All-Terrain Vehicle Law, 75 PA C.S. Section 7701 et seq. (as amended), which is incorporated herein by reference.
- B. Every person who operates a Recreational Vehicle on a Multi-Use Road within Gilpin 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.
- C. No Person shall Operate, and no Owner or Dealer shall permit the Operation of a Recreational Vehicle in any of the following ways:
 1. Across a privately-owned driveway that abuts the public Roadway.
 2. Without displaying a lighted Head lamp and a lighted Tail lamp at all times of operation on a Multi-Use Roadway within the Township
 3. Unless such Recreational Vehicles are equipped with a muffler in good working order which does not cause a public nuisance or disturbance.
- D. No Person Shall operate Recreational Vehicles on Multi-Use Roadways between the hours of 9 PM and 9 AM.
- E. 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.

Section 5 – Permitting

- A. In order for a legal recreational vehicle to travel on any multi-use roadway, the owner must apply with the Gilpin Township Police Department and provide the following information:
 - 1. Owners Name
 - 2. Owners Address
 - 3. Operator(s)
 - 4. Insurance Carrier
 - 5. Insurance Policy
 - 6. PA DCNR Plate Numbers
- B. Applications MUST be submitted to and approved by the Gilpin Township Police Department before operation on a multi-use roadway.
- C. A permit fee will be assessed and set by the Gilpin Township Board of Supervisors upon approval and each year hereafter.
- D. If deemed necessary by the Board of Supervisors, a cap on the amount of permits issued may be set on a yearly basis.

Section 6 – Liability

- A. Any individual or individuals which participate in the use of multi-use roads by permit release the Township of Gilpin from any liability and waive their rights to sue the Township of Gilpin from any and all claims, including claims of negligence, resulting in any physical injury, illness (including death), or economic loss which they may suffer as a result of use of multi-use roads pursuant to the Pennsylvania Snowmobile and All-Terrain Vehicle Law (75 Pa. C.S.A. §7701 et seq.).

Section 7 – Penalties

- A. 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 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.

Section 8 – Severability

- A. 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 Gilpin

Township Board of Supervisors that this Ordinance would have been enacted had any such unconstitutional, illegal or invalid provision not been included therein.

Section 9 – Repealer

- A. Any Ordinances or portions of Ordinances of the Township which are inconsistent herewith are hereby repealed.

Section 10 – Effective Date

- A. This Ordinance shall become effective immediately upon ordination and enactment.

ORDAINED AND ENACTED by the Gilpin Township Board of Supervisors, this ____ day of _____, 20__.

Chairman

ATTEST:

Township Secretary/Treasurer