

TOWNSHIP OF RUSH
Schuylkill County, Pennsylvania

ORDINANCE NO. 150

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE TOWNSHIP RESIDENTS AND THEIR PROPERTY BY REGULATING THE OPERATING OF RECREATIONAL VEHICLES WITHIN THE TOWNSHIP OF RUSH, SCHUYLKILL COUNTY, PENNSYLVANIA; TO PROVIDE FOR THE ENFORCEMENT OF SAID ORDINANCE AND IMPOSE PENALTIES FOR THE VIOLATION THEREOF; AND TO AMEND OR REPEAL ANY OTHER ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Township of Rush, Schuylkill County, Pennsylvania, ordains:

SECTION 1. Name. This Ordinance shall be known and cited as “RECREATIONAL VEHICLE/OFF-ROAD VEHICLE REGULATION ORDINANCE” of the Township of Rush.

SECTION 2. Purpose. The purpose of the within ordinance is to regulate and control the operation and use of recreational vehicles and off-road vehicles within Rush Township for the protection of the health, safety, and general welfare of the residents, property owners, visitors, and others within the Township.

SECTION 3. Definitions. The following terms, when used in the within ordinance, shall have the following meanings:

- a. “Operator” means any person who operates or is in actual physical control of the movement of any recreational or off-road vehicle described in this ordinance.
- b. “Owner” means any of the following:

1. A person who holds the legal title to a recreational or off-road vehicle described in this ordinance.
 2. A vendee or lessee of the recreational or off-road vehicle described in this ordinance, 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.
 3. A person renting a recreational or off-road vehicle or having the exclusive use of a recreational or off-road vehicle.
- c. "Operate" means to ride in or on or to be in actual physical control of the movement or the operation of a recreational or off-road vehicle.
 - d. "Person" means an individual, partnership, corporation, the state or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.
 - e. "Recreational Vehicle" means motorcycles, motor bikes, dirt bikes, three wheelers, all terrain vehicles, snowmobiles, and any other type of motor driven vehicle designed to travel primarily for off-road travel or travel on snow or ice, and such vehicle is not licensed to travel on Commonwealth roadways or highways.
 - f. "Off-road Vehicle" means any four-wheel-drive vehicle, recreational vehicle, car, truck, motorcycle, motor bike, dirt bike, three wheeler, or any motor vehicle licensed and registered for travel on Commonwealth roadways or highways.
 - g. "Highway" means any roadway, traffic way, or street and the entire width between boundary lines of every way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel and including the right-of-way and shoulder.

SECTION 4. Regulations.

1. No person shall operate and no owner shall permit the operation of a recreational vehicle as defined by this ordinance upon any railroad or railroad right-of-way, public highway, public parking lot, public school grounds, parks, playgrounds, recreational areas, and other public lands.

2. No person shall operate and no owner or dealer shall permit the operation of a recreational vehicle or an off-road vehicle as defined by this ordinance on private property not owned, leased, or under control of the operator unless the operator has the express consent of the owner at said property.

SECTION 5. Savings Clause. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 6. Penalties. Any violation of this ordinance shall constitute a summary offense, and any person, firm, or corporation found guilty of such violation shall be fined in the discretion of the court up to \$300 or imprisoned in the county jail for up to 90 days or both. Each day that a violation continues to exist shall constitute a separate offense.

Any person guilty of a violation of the within ordinance shall also be subject to civil proceedings for damages and/or injunctive relief by the property owner, firms, or corporation injured or damaged by such violations.

Any other criminal and civil proceedings may be commenced against a person violating the within ordinance, and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other civil or criminal proceedings against such violator.

SECTION 7. Effective Date. This ordinance shall take effect Tuesday, January 21, 2003.

ENACTED AND ORDAINED into an Ordinance this 21st day of January,
2003.

RUSH TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

Nicole L. Territore
Secretary

By: John H. Schekran
Chairman

Frank Berlett
Supervisor

Dominic P. DeGuz
Supervisor

(SEAL)