

**TOWNSHIP OF BUFFALO
WASHINGTON COUNTY
ATV ORDINANCE**

ORDINANCE NO. 55 OF 2009

**AN ORDINANCE OF BUFFALO TOWNSHIP RESTRICTING
ATV USE AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

The Board of Supervisors of the Township of Buffalo, Washington County, Pennsylvania hereby enacts as follows:

SECTION 1. PURPOSE AND SCOPE

It is the purpose and scope of this Ordinance to provide regulations protecting citizens of the Township from the use of ATV's during specified periods of time.

SECTION 2. APPLICATION

This Ordinance, enacted pursuant to the Second class Township Code, shall apply:

- A. To all ATVs, as defined in Section 4 of this Ordinance.

SECTION 3. EXEMPTIONS

ATV operation, as described in the following, are exempt from the provisions of these regulations:

- A. Police, fire, ambulance and other governmental ATVs used in their Official capacity;
- B. ATV back-up alarm devices on police, fire ambulance and other Governmental ATVs and other equipment when installed and operated In accordance with Society of Automotive Engineers recommended Practice J994, "Criteria for Back-Up Alarm Devices";
- C. Emergencies where a threat to life or property is imminent;
- D. Operating any ATV for agricultural use;

SECTION 4. DEFINITIONS

DAYTIME: 6:00 AM to 6:00 PM;

PERSON: any individual who owns or is in the act of operating an ATV;

ATV: (All Terrain Vehicle)-a motor driven, off-road vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain, including, but not limited to multi-tract, multi-wheel or low pressure tire vehicle or related 2-wheel, 3-wheel, 4-wheel or belt driven vehicle or an amphibious machine;

OFF-ROAD: any public or private property in the Township regardless of ground Surface material that is not a public road;

SECTION 5. ENFORCEMENT

Nothing in this Ordinance *shall* be construed to impair any cause of action, or legal remedy thereof, of any person or the public for injury or damage arising from the use of any vehicle herein defined.

SECTION 6. HOURS OF OPERATION

It *shall* be unlawful for any vehicle herein defined by this Ordinance to be operated between the hours of 10:00 PM and 6:00AM.

SECTION 7. PROCEDURES FOR ENFORCEMENT

The following procedural steps, in order, are prescribed for enforcement of this Ordinance:

- A. Warnings: If it is determined, through investigation by the Township and/or the Township's Code Enforcement Officer, that a violation of this Ordinance has occurred, the Township, only upon receiving a valid, written, signed complaint from a Buffalo Township resident, *may* issue a written warning to the alleged person(s) in violation of this Ordinance.

- B. Offense: If it is determined that a violation of this Ordinance has occurred, *only after* the issuance of a written warning issued by the Township, the Township *may* prosecute said offender(s) named in the complaint before the District Judge. Additionally, the alleged offender(s) *must* be given a copy of the valid, written and signed complaint.

SECTION 8. PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before the District Judge in a manner provided to enforce summary offenses under the Pennsylvania rules of Criminal Procedure, *shall* be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of the Ordinance continues, after the first written warning issued by the Township, *shall* constitute a separate offense subject to the penalties described herein without further warning.

SECTION 9. RELATIONS WITH OTHER RESTRICTIONS

The provisions of this Ordinance are not intended to interfere with, abrogate, or annul other rules, regulations or ordinances, including Title 18 (Criminal Code) and Title 75 (Vehicle Code), Pennsylvania Consolidated Statutes.

SECTION 10. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity *shall* not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had the unconstitutional, illegal, or invalid sentence clause, section or part thereof not been included therein.

SECTION 11. REPEALER

All Ordinances or part of Ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 12. EFFECTIVE DATE

This Ordinance has been examined, approved and shall be effective the 6th day of May, 2009.

ENACTED AND ORDAINED, this 6th day of May, 2009.

ATTEST:

Sori Punkerton
Township Secretary (to all)

James A. Mounts
James A. Mounts, Chairman
Buffalo Township Board of Supervisors

Lawrence O. Phillips
Lawrence O. Phillips, Vice Chairman
Buffalo Township Board of Supervisors

Timothy P. Doman
Timothy P. Doman, Secretary and Treasurer
Buffalo Township Board of Supervisors

TOWNSHIP SEAL