

AN ORDINANCE OF THE BOROUGH OF MOHNTON, BERKS COUNTY, PENNSYLVANIA SETTING FORTH THE DEFINITIONS AND REGULATIONS FOR OPERATION OF ANY OFF-ROAD MOTOR-DRIVEN VEHICLE OR CONVEYANCE WITHIN THE BOROUGH OF MOHNTON; INCLUDING THE IMPLEMENTATION OF OPERATIONAL SETBACK LIMITATIONS OF A MINIMUM OF FIFTY FEET FROM A PROPERTY LINE AND A MINIMUM OF THREE HUNDRED FEET FROM AN OCCUPIED DWELLING STRUCTURE, PROVISIONS RESTRICTING THE GENERATION OF NOISE, DUST, AND FUMES; AND PROVIDING PENALTIES FOR VIOLATION.

WHEREAS, Mohnton Borough is located in Berks County, Commonwealth of Pennsylvania, and;

WHEREAS, the use and operation of Off-Road Vehicles, including but not limited to, All-Terrain Vehicles (hereinafter referred to as “ATVs”), Utility Task Vehicles (hereinafter referred to as “UTVs”), Dirt/Trail Bikes, Gasoline Motor Powered Scooters, Minibikes, Go-Carts, and Snowmobiles within Mohnton Borough have the potential to 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 ATVs, UTVs, Dirt/Trail Bikes, Gasoline Motor Powered Scooters, Minibikes, Go-Carts, and Snowmobiles in Mohnton Borough so as to reduce noise and air pollution and protect the public’s health, safety, and welfare; and to provide for the peaceable enjoyment of property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Mohnton, Berks County, Pennsylvania, as follows:

Definitions:

All-Terrain Vehicles (ATVs) – a motorized off-highway vehicle which travels on three or more inflatable tires and which are (1) a maximum width of 50 inches and a maximum dry weight of 1,000 pounds; or (2) a width which exceeds 50 inches or a dry weight which exceeds 1,000 pounds. The term “ATV” shall not include motorized vehicles for law enforcement, fire, emergency, fire emergency, military, or other authorized government purposes, or off-road motorized vehicles used as utility vehicles for agriculture, husbandry, lawn care, snow removal or business operations, or any other “reasonable” property maintenance or landscaping.

Utility Task Vehicles (UTVs) –large, powerful, motor propelled vehicles able to seat passengers’ side by side, and built with lots of storage space. UTVs are built and used more for work than recreation. The term “UTV” shall not include motorized vehicles for law enforcement, fire, emergency, fire emergency, military, or other authorized government purposes, or off-road motorized vehicles used as utility vehicles for agriculture, husbandry, lawn care, snow removal or business operations, or any other “reasonable” property maintenance or landscaping.

Dirt/Trail Bikes – a motorcycle designed and built with special tires and suspension for riding on unpaved roads and over rough terrain.

Motor Powered Scooters – a vehicle that typically has two wheels with a low footboard between them and is steered by a handlebar and propelled by a gasoline (or similar) powered motor.

Minibikes – a small, lightweight motorcycle like vehicle with a low frame and designed generally for off-road use.

Go-Carts – a small, low-slung four-wheeled vehicle powered by a gasoline (or similar) engine.

Snowmobiles - a motor vehicle, especially one with runners in the front and caterpillar tracks in the rear, for traveling over snow.

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 an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile is being operated.

Person – any individual, group of individuals, a partnership, firm, association or any other entity.

SECTION 2. OPERATION AND USE OF ATVS, UTVS, DIRT/TRAIL BIKES, GASOLINE MOTOR POWERED SCOOTERS, MINIBIKES, GO-CARTS, OR SNOWMOBILES ON PRIVATE PROPERTY.

The following regulations shall apply for the use of an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile on private real property.

A. Owner or Occupant. Only the owner, occupant, or permitted guests and family may operate an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile on private real property subject to the restrictions outlined herein.

B. Setback Requirements:

1. A person operating an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile must remain at least fifty (50') feet from any real property line.
2. A person operating an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile must remain at least three hundred (300') feet from an occupied dwelling structure.
3. A person operating an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile must remain at least one hundred (100') feet from the edge of payment of any roadway or property road frontage and associated right-of-way lines.

C. Additional Restrictions:

1. No more than two (2) ATVs, UTVs, Dirt/Trail Bikes, Motor Powered Scooters, Minibikes, Go-Carts, or Snowmobiles may be operated at the same time on the same property. The provisions of this subsection shall not be interpreted to preclude a larger number of ATVs, UTVs, Dirt/Trail Bikes, Motor Powered Scooters, Minibikes, Go-Carts, or Snowmobiles from traversing a property at one time to get to another destination.
 2. It shall be unlawful for any person, corporation, partnership or any other entity to operate an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile for recreational purposes between legal sunset and 9 a.m., prevailing time. Operation of ATVs, UTVs, Dirt/Trail Bikes, Motor Powered Scooters, Minibikes, Go-Carts, or Snowmobiles will be limited to a one (1) hour session with a three (3) hour rest before the next operation of the vehicle with a maximum limit of two (2) sessions per day. The rest of the period must be provided to prohibit disturbance of the peace within the Borough. Operation within this prohibited time shall be considered a disturbance of the peace within the Borough.
- D. Dust and Fumes. A person shall not generate or permit to be generated, as a result of the use and operation of any an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile, any dust or fumes which cross over onto adjoining or adjacent properties that will interfere with the reasonable use of and enjoyment of the use of the property, either inside or outside.
- E. Exhaust Equipment. All ATVs, UTVs, Dirt/Trail Bikes, Motor Powered Scooters, Minibikes, Go-Carts, or Snowmobiles shall be fitted with the original manufacturer's exhaust equipment while in operation unless the vehicle is fitted with a more restrictive and/or quieter exhaust system than the original.
- F. Environmentally Sensitive Areas. No person shall operate, allow or permit the operation of an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile within fifty (50') feet of a stream, creek, waterway, drainage-way, wetland, storm water basin or structure, or erosion-sensitive areas, or any environmentally areas as determined by the Borough, Pennsylvania Department of Environmental Resources, or the Berks County Conservation District.

SECTION 3. OPERATION AND USE OF AN ATV, UTV, DIRT/TRAIL BIKE, MOTOR POWERED SCOOTER, MINIBIKE, GO-CART, OR SNOWMOBILE ON BOROUGH PROPERTY.

No Person shall operate an ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart or Snowmobile on Borough property, including the streets and sidewalks of the borough, except while rendering emergency assistance, without the express written consent of the Borough.

SECTION 4. ENFORCEMENT AND PENALTY

- A. Violations, Public Nuisance, Persons Liable. A violation of this Ordinance shall be deemed a public nuisance and shall subject the Owner of the property and/or a Person operating the ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile in violation of this Ordinance to summary enforcement proceedings.
- B. Enforcement. The Police and other such appropriate officers or agents of Mohnton Borough are hereby authorized to make an initial determination of violation of, and to enforce the provisions of this Ordinance. An initial determination of violation of this Ordinance shall result in a verbal warning to the Occupant, Owner, or operator of the ATV, UTV, Dirt/Trail Bike, Motor Powered Scooter, Minibike, Go-Cart, or Snowmobile.
- C. Penalties. A second or subsequent violation of this Ordinance shall be subject to summary enforcement proceedings and the appropriate officers or agents of Mohnton Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance with the provisions of the Ordinance. Upon being found guilty of a violation of this Ordinance, any violator shall be subject to a fine of \$ 600.00 for a second offense (following the 1st offence verbal warning), and \$ 1,000.00 for a third offense. 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 sections of this Ordinance that is found to be violated shall be considered a separate violation.

SECTION 5. MISCELLANEOUS PROVISIONS

- A. Incorporation by Reference. 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", as contained in Part 6, Chapter 77, of the PA Vehicle Code, Title 75 enacted June 17, 1976, P.L.162, No. 81, effective July 1, 1977, et seq., as amended.
- B. Due to their inherent similarities with respect to excessive noise and negatively impacting the peaceable enjoyment of property, the operation of Remote-Controlled Gasoline/Nitro or similarly powered models/vehicles within the Borough of Mohnton shall be subject to all provisions of this Ordinance herein.
- C. Severability. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decisions shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.
- D. General Repealer. All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

E. Effective Date. The provisions of this Ordinance shall become effective on the fifth (5th) day following enactment.

DULY ENACTED AND ORDAINED by the Council of the Borough of Mohnton, Berks County, Pennsylvania, this 10th day of February, 2021.

BOROUGH OF MOHNTON:

By: 
President of Council

Attest:


Secretary

Approved this 10th day of February, 2021.

By: 
Mayor