

PART 6  
ALL-TERRAIN VEHICLES

**§ 6-601. Definitions. [Ord. 04-2010-558, 4/22/2010, § 1]**

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 800 pounds; or (2) a width which exceeds 50 inches or a dry weight which exceeds 800 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.

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 is being operated.

PERSON — Any individual, group of individuals, a partnership, firm, association or any other entity.

**§ 6-602. Operation and Use of ATVs on Private Property. [Ord. 04-2010-558, 4/22/2010, § 2]**

1. The following regulations shall apply for the use of an ATV on private real property.
  - A. Owner or Occupant. Only the owner, occupant, permitted guests and family may operate an ATV on private real property subject to the restrictions outlined herein.
  - B. Setback Requirements.
    - (1) A person operating an ATV must remain at least 50 feet from any property line, and 100 feet from a dwelling structure, including property road frontage and associated roadway right-of-way lines, unless written permission (that is duly notarized) has been obtained from the adjoining property owner to operate the ATV within any reduced setback, and with any additional mutually agreed terms and conditions; and which such written permission shall be carried on the person of the operator. Additionally, a person operating a "two-stroke" type ATV shall remain at least 50 feet from any property line, and 300 feet from a dwelling structure, including property road frontage and associated roadway right-of-way lines, unless written permission (that is duly notarized) has been obtained from the

adjoining property owner to operate the ATV within any reduced setback, and with any additional mutually agreed terms and conditions; and which such written permission shall be carried on the person of the operator.

- (2) It shall not be a violation of this section to operate an ATV within the required setback for purposes of ingress and egress or to load and unload from or onto a driveway, garage or other structure used for housing ATVs.

C. Additional Restrictions.

- (1) No more than two ATVs may be operated at the same time on the same property.
- (2) A person may operate an ATV only between the hours of 9:00 a.m. and dusk.

D. Dust and Fumes. A person shall not generate or permit to be generated as a result of the use or operation of any ATV any dust or fumes which crosses over onto an adjoining or adjacent property that will interfere with the reasonable use of and enjoyment of the residential use of the property, either inside or outside.

E. Exhaust Equipment. All ATVs 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 original.

F. Environmentally Sensitive Areas. No person shall operate, allow or permit the operation of an ATV within 50 feet of a stream, creek, waterway, drainageway, wetland, or erosion-sensitive areas, or any environmentally sensitive areas as determined by the Township, DEP, or LCCD.

G. Noise. No person shall operate, allow or permit the operation of an ATV which emits excessive noise that creates a disturbance to any adjacent or adjoining property.

**§ 6-603. Operation and Use of an ATV on Township Property. [Ord. 04-2010-558, 4/22/2010, § 3]**

No person shall operate an ATV on Township property without the express written consent of the Township.

**§ 6-604. Exceptions-Americans With Disabilities Act (ADA). [Ord. 04-2010-558, 4/22/2010, § 4]**

In an attempt to be ADA compliant, an owner, occupant, or person shall not be in violation of this Part 6 when operating an ATV if the owner, occupant, or person is

proven to be certified by a medical doctor to be physically handicapped, disabled or mentally impaired and is able to prove that the use of an ATV is the only means for general accessibility of the property. In such instance, owner, occupant, or person shall obtain a handicap placard to display prominently on the ATV.

**§ 6-605. Enforcement and Penalty. [Ord. 04-2010-558, 4/22/2010, § 5]**

1. Violations, a Public Nuisance; Persons Liable. A violation of this Part 6 shall be deemed a public nuisance and shall subject the owner of the property and/or any person operating an ATV in violation of this Part 6 to summary enforcement proceedings.
2. Enforcement. The Salisbury Township Police Department and the Code Enforcement Officer and other such appropriate officers or agents of Salisbury Township are hereby authorized to make an initial determination of violation of, and to enforce the provisions of, this Part 6. An initial determination of violation of this Part 6 shall result in a verbal warning to the occupant, or owner or operator of the ATV.
3. Penalties. A second or subsequent violation of this Part 6 shall be subject to summary enforcement proceedings and the appropriate officers or agents of Salisbury Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herein. Upon being found guilty thereof, shall subject the violator to a fine of \$600 for a second offense (following a verbal warning), and \$1,000 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 section of this Part 6 that is found to be violated shall be considered a separate violation.

**§ 6-606. Miscellaneous Provisions. [Ord. 04-2010-558, 4/22/2010, § 6]**

1. Incorporation by Reference. To the extent applicable, this Part 6 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.
2. Rules of Interpretation. The use of the singular shall include the plural. The use of headings is for convenience only.
3. Severability. The sections of this Part 6 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.
4. Repeal of Conflicting Ordinances. The within ordinance supersedes and repeals all former and/or prior ordinances or parts thereof which conflict, or are in any way inconsistent, with the provisions of this Part 6 and, to the

extent that any prior or existing ordinances of Salisbury Township are inconsistent with the terms of the within ordinance, said inconsistent ordinances, or portions thereof, are hereby expressly repealed.

5. Effective date. This Part 6 shall be effective 15 days after adoption.