

**TOWNSHIP OF HAMPTON
ORDINANCE NO. 774**

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,
ALLEGHENY COUNTY, PENNSYLVANIA, DESIGNATED
AS ARTICLE 203 OF THE CODE OF THE TOWNSHIP
OF HAMPTON.**

Chapter 203

OFF ROAD MOTOR-DRIVEN VEHICLES

§203-1. Purpose.

Residential land development has increasingly reduced the amount of open space within the municipal boundaries of the Township of Hampton. The purpose of this Ordinance is to regulate the use of ORMDVs to ensure that responsible recreational use of these vehicles is compatible with developed residential properties within the municipal boundaries and to promote the health and safety of the operators and the general public by requiring adherence to appropriate rules and regulations designed to ensure the safe operation of ORMDVs.

§203-2. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

Off Road Motor-driven vehicle or conveyance - any two-, three- or four-wheeled bicycle, vehicle or conveyance, registered or unregistered, that is motor propelled or contains a motor to assist the operation of said vehicle and which vehicles are commonly referred to as dirt bikes, scooters, minibikes, go-carts, all-terrain vehicles (ATV's), utility vehicles (UTV's), snowmobiles, dune buggies and trail bikes, which vehicles by their nature and design are not intended to be used and operated along paved roads and highways but are intended rather to be operated in dirt, sand, up and down hills, along trails and in similar type areas for recreational use.

Private property--a way or place in private ownership for the use and enjoyment of the owner and those having express or implied permission from the owner, but not by other persons.

Public property--lands and buildings owned or leased by the Township of Hampton, the County of Allegheny, the Commonwealth of Pennsylvania or any other equivalent public body. Public property shall also include any parks, ballparks, recreation areas, lake areas, Township-owned streets, easements and sidewalks or areas dedicated to or commonly used for vehicular traffic or pedestrian traffic, Township storage facilities, Township garage area, and any and all other Township-owned and publicly owned lands and premises.

Public utility--an organization that maintains the infrastructure for public service (e.g., water lines, sewer lines, gas lines, electric lines, etc.)

§203-3. Off Road Motor-Driven Vehicles Prohibited.

A. Subject to the exemptions hereof, it shall be unlawful for a landowner/or lawful occupant of real property to permit anyone to operate any type of off road motor-driven vehicles or conveyances on a lot with less than 3 acres within any zoning district.

B. An operator of an off road motor-driven vehicle or conveyance who is not related by blood or marriage to the landowner or lawful occupant of the subject real property, shall be held to the same requirements and penalties provided by this ordinance as the landowner and/or lawful occupant of the subject property.

§203-4. Additional Conditions.

Operation of off road motor-driven vehicles or conveyances on lots with 3 acres or greater must meet the following conditions:

A. On the private property of another there must be the express written permission of the owner or lawful occupant of the property. This prohibition shall prevail whether or not the vehicle or operator is licensed or unlicensed.

B. The landowner/lawful occupant shall not permit anyone to operate the aforesaid off road motor-driven vehicles or conveyances so as to constitute a nuisance.

C. The landowner/lawful occupant shall not permit anyone to operate the aforesaid off road motor driven vehicle or conveyance other than during the hours of 10:00 a.m. to 6:00 p.m., any day of the week.

D. The landowner/lawful occupant shall not permit anyone to operate the aforesaid off road motor driven vehicles or conveyances in such a manner as to raise unnecessary dust or dirt, including the suspending of particle matter visible to the unaided or naked eye from a distance of 250 feet from the closest residential dwelling not owned by the landowner or the lawful occupant aforesaid.

E. The landowner/lawful occupant may not permit anyone to operate the off road motor driven vehicle or conveyance within 250 feet of a residential dwelling, not owned by the landowner or occupant.

F. Under no circumstances shall off road motor driven vehicles or conveyances be operated on any public street, public grounds, sidewalk, walkway, bike path, or paved right of way, which is primarily used for pedestrian traffic located in the Township of Hampton or upon a public utility right of way or any other public property as that term is defined.

G. The landowner/lawful occupant shall not permit anyone to operate the aforesaid off road motor-driven vehicles or conveyances without having in full force and effect liability insurance coverage issued by an insurance carrier authorized to do business in the Commonwealth.

H. The landowner/lawful occupant shall not permit anyone to operate the aforesaid off road motor-driven vehicles or conveyances without a properly functioning factory installed or equivalent muffler.

I. The landowner/lawful occupant shall limit the number of off road motor-driven vehicles or conveyances operating at any one time to one per acre, but in no event more than 5.

§203-5. Exemptions.

The following activities are exempt from the provisions of this Chapter:

A. Police and emergency vehicles.

B. Farm, lawn or property maintenance vehicles specifically being used for farming or hunting activities, yard work, snow removal, or other allowed property maintenance tasks, provided that such equipment must operate only with a factory installed or functionally equivalent muffler.

C. Lawn mowers, tractors, lawn, garden or similar equipment for residential use, provided that such equipment must operate only with, a factory-installed or functionally equivalent muffler.

D. Electrical low powered children's riding toys, accessibility scooters and motorized wheelchairs.

E. Legal commercial activities including utility company equipment and construction vehicles.

F. The limited activity of loading one of the off road motor-driven vehicles or conveyances for transport to an authorized location or the maintenance on same which requires its operation as long as it shall not be operated for more than thirty (30) minutes in any sixty (60) minute period for this purpose.

§203-6. Confiscation/Levy.

Failure of the responsible party against whom a fine has been levied by a magisterial district justice may subject the responsible party to reduction of the fine to a judgment, which judgment may be executed against the responsible party's off road motor-driven vehicle or conveyance.

§203-7. Violations and Penalties.

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 Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

§203-8. Effective Date.

The effective date of this Ordinance shall be in accordance with applicable law.

§203.9. Invalidity.

The provisions of this Ordinance are severable and should any provisions hereof be held invalid or illegal, the remaining provisions of this Ordinance shall remain valid.

§203.10. Repealer.

Any Ordinance or resolution or parts thereof which are in conflict herewith are repealed to the extent of the conflict.

ORDAINED AND ENACTED INTO LAW on this 25th day of
March, 2015.

ATTEST:

HAMPTON TOWNSHIP COUNCIL

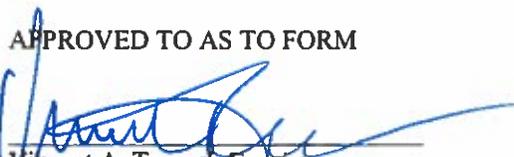


W. Christopher Lochner,
Municipal Manager

By: 

Victor D. Son,
President of Council

APPROVED TO AS TO FORM



Vincent A. Tucceri, Esquire
Township Solicitor