

Ordinance 93-1

Restrict Vehicles on Private  
Property

Ord Feb 9, 1993

ORDINANCE 93-1

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL,  
BEAVER COUNTY, PENNSYLVANIA RESTRICTING THE  
USE OF MOTOR VEHICLES ON PRIVATE PROPERTY  
WITHIN THE TOWNSHIP

WHEREAS, the operation of motor vehicles such as, for example, motorcycles, motor-bikes, motor-scooters, all terrain-vehicles (ATV's), and snowmobiles upon private property, other than private property of the operator, is a private trespass, a private nuisance, an invasion of privacy and a public nuisance; and

WHEREAS, the operation of such vehicles on property owned by the Township of Hopewell, is a public nuisance and detrimental to the Township; and

WHEREAS, the operation of such motor vehicles upon public and public property disturbs the peace and invades the right of quiet enjoyment of the residents of the Township of Hopewell:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Township Commissioners for the Township of Hopewell, Beaver County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. It shall be unlawful for any person to operate any motor vehicle, including but not limited to a motorcycle, motor-bike, motor-scooter, all-terrain-vehicle or snowmobile, upon any private property without the permission of the owner or owners thereof and on any property owned by Hopewell Township without the permission of the proper Township officials.

SECTION 2. Prior to operating any such vehicle as hereinbefore described on private property, the operator must request and receive the permission of the owner of the property. Where private property is owned by more than one person, it shall be insufficient compliance with this Section to request and receive the permission of any one of the owners, if the operator has reason to know that another owner objects thereto. It is the intent of this Section to prohibit the operation of such off-road vehicles on property owned by more than one person if any of the owners object, but to permit an operator who has received permission from one of the owners to presume that he has permission of all the owners unless he has reason to know otherwise.

SECTION 3. Prior to operating any such vehicle as hereinbefore described on property owned by Hopewell Township, the operator must request and receive the permission of a majority of the Township Commissioners.

SECTION 4. The Commissioners, by resolution, may establish trails or otherwise places permitting the operation of such vehicles as are hereinbefore described on public property owned by Hopewell Township. Such resolutions may limit the operation of such vehicles to such days of the week, hours of the day, or otherwise as the Commissioners see fit. such Resolutions may also limit the number of vehicles to be operated at any given time or attach any other conditions to the operation of such vehicles as the Commissioners see fit.

SECTION 5. Any permission granted hereunder may be revoked at the will of the private property owner respecting private property and of the Township Officials respecting public property. Upon request of any owner of private property, the operator shall immediately remove his vehicle from the private property. Upon request of the Township officials granting permission to operate the vehicle on public property, the operator shall immediately remove his vehicle from such public property.

SECTION 6. Irrespective of compliance with the foregoing sections of this Ordinance it shall be unlawful for any person to operate any motor vehicle, including but not limited to a motorcycle, motor-bike, motor-scooter, all terrain-vehicle or snowmobile, upon private property or upon property that is owned by Hopewell Township, that is located within Three-Hundred (300) feet of a residential dwelling. The aforesaid Three-Hundred (300) feet restriction shall not apply to a residential dwelling that is owned by a person who has given his or her permission to operate a motor vehicle under the provisions of this Ordinance.

SECTION 7. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine in an amount not less than One Hundred Dollars (\$100.00) and not exceeding Three Hundred Dollars (\$300.00), together with costs of prosecution.

SECTION 8. The provisions of this Ordinance shall be severable. If any provision of this Ordinance shall be found by a court of record to be unconstitutional or void, the remaining provisions shall, nevertheless, remain valid unless such court shall expressly find such valid provisions so essentially and inseparably connected with or dependent upon such void provision that it cannot be presumed the Board of Commissioners for the Township of Hopewell would have enacted the remaining valid provisions without the void provision.

SECTION 9. All ordinances or parts thereof not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 10. This ordinance shall serve to repeal Ordinance No. 92-6 which was duly enacted on October 13, 1992.

ORDAINED AND ENACTED this 9<sup>th</sup> day of February, 1993.

ATTEST:

TOWNSHIP OF HOPEWELL

By: James M. [Signature]  
Township Secretary

By: Tim Force  
President