

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 05-6-1

**AN ORDINANCE REGULATING THE OPERATION AND USE OF
RECREATIONAL VEHICLES WITHIN WINDSOR TOWNSHIP AND
PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF**

WHEREAS, The use and operation of recreational vehicles within Windsor Township may create a public nuisance and adversely affect the public's health, safety and welfare by the creation of excessive noise, dust and fumes;

WHEREAS, The purpose of this ordinance is to provide for the reasonable regulation of recreational vehicles in Windsor Township so as to reduce noise and air pollution, protect the public's health, safety, and welfare, and to provide for the peaceable and quiet enjoyment of property;

NOW, THEREFORE, pursuant to the authority of Sections 1529 and 1601 of the Second Class Township Code, 53 P.S. §65101 et seq., the Board of Supervisors of Windsor Township hereby enact and ordain the following ordinance:

Section 1. Definitions.

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 a recreational vehicle is being operated.

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

RECREATIONAL VEHICLE - All motorized vehicles, designed or redesigned or otherwise being used for off-road recreational use, including but not limited to the following:

- (a) Motorcycles
- (b) Trail bikes
- (c) All terrain vehicles (ATVs)
- (d) Go carts
- (e) Pocket Rockets
- (f) Snowmobiles
- (g) Any other similar motorized vehicle

The term "Recreational Vehicle" shall not include motorized vehicles for law enforcement, fire, emergency, military, or other governmental purposes, or off-road motorized vehicles used as utility vehicles for agricultural, husbandry, lawn care, snow

removal or business operations.

Section 2. Operation and Use of a Recreational Vehicle on Private Property

The following regulations shall apply for the use of a recreational vehicle on private real property:

A. Owner or Occupant. Only the Owner or an Occupant shall be permitted to operate a recreational vehicle on private real property.

B. Setback Requirements.

(1) General Rule. A person operating a recreational vehicle must remain at least two hundred fifty (250') feet from any adjoining or adjacent property line, and must remain at least three hundred (300') feet from an off-site residential dwelling.

(2) Exception. A person may operate a recreational vehicle closer than two hundred fifty (250') feet from any adjoining or adjacent property line or three hundred (300') feet from an off-site residential dwelling provided that the following additional requirements are followed:

(a) For each one-half (1/2) hour period of operation of a recreational vehicle, there must be a rest period of at least three (3) hours in between the next operation of a recreational vehicle;

(b) No more than two (2) recreational vehicles may be operated at the same time;

(c) A minimum setback of one hundred (100') feet from the property line must be maintained.

C. Time Period. A person shall operate a recreational vehicle between the hours of 10:00 a.m. to 7:00 p.m., prevailing time.

D. Dust. A person shall not generate or permit to be generated as a result of the use of any recreational vehicle any dust to cross over onto an adjoining or adjacent property that will interfere with the reasonable use and enjoyment of the residential use of the property, either inside or outside of the residence.

Section 3. Operation and Use of a Recreational Vehicle on Township Property

No person shall operate a recreational vehicle on Township property without the express written consent of the Township.

Section 4. Enforcement and Penalty.

A. A violation of this Ordinance shall be deemed to be a public nuisance, and shall subject the Owner of the property and/or any person operating a recreational vehicle in violation of this ordinance to summary enforcement proceedings.

B. The York Area Regional Police Department (or successor police department) and such other persons as may be designated by resolution of the Board of Supervisors are authorized to make an initial determination of a violation of this ordinance, and to enforce the provisions of this ordinance. An initial determination of a violation of this ordinance shall result in a verbal warning to the Owner, Occupant or operator of the recreational vehicle.

C. A second or subsequent violation shall be subject to summary enforcement proceedings and upon being found guilty thereof shall subject the violator to a fine of not less than \$100.00 and not greater than \$1,000.00 per violation, and in default of payment of such fine may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation continues or each section of this ordinance that is found to be violated shall be considered a separate violation.

Section 5. Miscellaneous Provisions

A. To the extent applicable, this ordinance incorporates by reference thereto the provisions of and rules and regulations relating to the "Pennsylvania Snowmobile and All Terrain Vehicle Law," 75 Pa.C.S.A. §7701 et seq.

B. The use of the singular shall include the plural. The use of headings is for convenience only.

C. The sections of this ordinance 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 thereof.

D. This Ordinance shall be effective five (5) days after adoption.

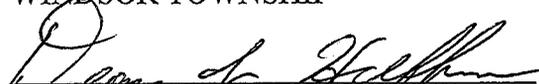
Enacted and Ordained this 6th day of June, 2005.

ATTEST:

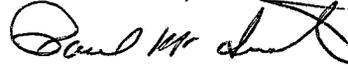


Jennifer Gunnet, Secretary

WINDSOR TOWNSHIP



Dean Heffner, Chairman



Paul M. Smith, Supervisor



Henry B. Sprenkle, Supervisor