

ENGINE-POWERED VEHICLES ORDINANCE

Borough of Susquehanna Depot
Susquehanna County, Pennsylvania
Ordinance No. 449

§ 169-1. Definitions

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

ENGINE-POWERED VEHICLES – Includes all wheeled and belt-driven vehicles powered by internal combustion engines, including, but not limited to motorcycles, motorbikes, trail bikes, motor scooters, snowmobiles, all-terrain vehicles, etc., but shall not be construed to include properly licensed motor vehicles operated upon the public highways, streets, roads, and private driveways in accordance with law; agricultural equipment used in the course of farming or commercial equipment being properly used in the trade or business of the owner or by such owners' employees or agents.

PRIVATE RESIDENCE – Includes all houses, apartments, mobile homes, and other permanent structures occupied by one or more persons as their primary home or residence, but shall not include the "private residence" (as defined herein) of the owner or operator of any engine-powered vehicle operated upon the land of such owner.

OFFICER – Any designated official authorized to act within the Borough of Susquehanna Depot

§ 169-2 Operation of engine-powered vehicles.

A. On and after the effective date hereof, it shall be unlawful for any person to operate, cause to be operated or to participate in the operation of any engine-powered vehicle upon the public roads, streets, highways, sidewalks, or alleys situate within the Borough of Susquehanna Depot.

B. On and after the effective date hereof, it shall be unlawful for any person to operate, cause to be operated or to participate in the operation of any engine-powered vehicle within seven hundred fifty(750) feet of any private residence or church situate in the Borough of Susquehanna Depot without first obtaining permission of the owner or inhabitants of such private residence or church. If permission is granted for the operation of an engine-powered vehicle on private property, such operation shall not take place within seven hundred fifty(750) feet of an adjacent residence or church without approval of the inhabitants of those contiguous facilities. This section shall not prohibit the use of engine-powered vehicles in other areas of the Borough when such use is either incidental to demonstration for sale by a commercial vendor, incidental to moving or transporting the vehicle to or from a private residence and confined to the operator's private residence or attendant to operation in a public park or public right-of-way where such use is expressly authorized or permitted. Nothing contained herein shall be construed to prohibit the use of power mowers, garden tractors, snow blowers, or similar instruments or vehicles when such use is incidental to home, lawn or garden work, or maintenance.

C. On and after the effective date hereof, it shall be unlawful to operate an engine-powered vehicle anywhere within the Borough of Susquehanna Depot unless the vehicle is equipped with a United States Department of Agriculture or Forestry Service approved spark-arrestor type muffler in good working order and permanently attached to the vehicle exhaust system to prevent excessive noise.

§ 169-3. Violations and penalties.

On or after the effective date of this ordinance, it shall be unlawful for any individual to operate or cause to be operated an engine-powered vehicle within the municipal limits of the Borough of Susquehanna Depot unless there is displayed thereon the permanent or temporary registration number issued by the Department of Transportation, Bureau of Motor Vehicles together with a valid decal.

§ 169-4. Violations and penalties.

Upon conviction of any violation hereunder before a court of competent jurisdiction, including a District Justice, upon the complaint of an officer or private citizen, in accordance with the law, any person so convicted shall be sentenced to pay a fine in an amount no more than six hundred dollars (\$600.00), together with the court costs, including reasonable attorney fees. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.

§ 169-5. Permit for special exceptions.

The Borough Council shall, upon cause being shown and where specific enforcement of the provisions of this chapter may cause undue hardship, issue a permit for specific and limited use of engine-powered vehicles. Application for such permit shall be made, in writing, and set forth the name and address of the applicant and the nature of the hardship.

§ 169-6. Police pursuit.

The police department of the Borough of Susquehanna Depot shall not engage in chase or "hot pursuit" of any person (s) found to be in violation of the provisions hereof unless there is probable cause of a violent felony having been committed.

This Ordinance shall take effect immediately upon its adoption.

The Ordained Enacted this 14th day of August, 2007 by the Borough of
Susquehanna Depot in regular meeting assembled in the presence of Council and Secretary and
approved this day.

ENACTED and ORDAINED this 14th day of August, 2007

BOROUGH OF SUSQUEHANNA DEPOT
SUSQUEHANNA COUNTY, PENNSYLVANIA

BY: Thomas J. Kelly
Tom Kelly, President

Attest: Ann Stewart
Ann Stewart, Secretary

SEAL