

ORDINANCE NO. 6-2022

**CUMBERLAND TOWNSHIP
GREENE COUNTY, PENNSYLVANIA**

AN ORDINANCE OF CUMBERLAND TOWNSHIP, GREENE COUNTY, PENNSYLVANIA, REGULATING THE PARKING AND STORAGE OF ALL-TERRAIN VEHICLES, RECREATIONAL VEHICLES, AND UTILITY TRAILERS WITHIN CUMBERLAND TOWNSHIP AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the parking and storage of all-terrain vehicles, recreational vehicles, and utility trailers within the Township must be regulated for the public's health safety, and welfare as the parking and storage of said vehicles can create hazardous and unsafe conditions as well as interfere with proper road maintenance; and

NOW, THEREFORE, pursuant to the authority conferred upon it by the Pennsylvania Second-Class Township Code, the Board of Supervisors of Cumberland Township, Greene County, Pennsylvania, does hereby ENACT AND ORDAIN the following:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the "Cumberland Township All-Terrain Vehicle, Recreational Vehicle, and Utility Trailer Parking and Storage Ordinance of 2022."

SECTION 2. PURPOSE.

The Cumberland Township Board of Supervisors has determined that hazardous and unsafe conditions within the Municipal Limits of the Township exist because all-terrain vehicles, recreational vehicles, and utility trailers are often parked or stored on the streets of the Township or within the rights-of-way of the Township. These hazardous and unsafe conditions are detrimental to the public health, safety, and welfare of the residents of the Township of Cumberland and others, impede emergency vehicles, (including fire trucks, ambulances, etc.) and interfere with snow removal and the peaceful and quiet enjoyment of the residents of Cumberland Township in their homes and neighborhoods. The Township Board of Supervisors has determined that the adoption of this ordinance is necessary to remediate the foregoing.

SECTION 3. DEFINITIONS.

Unless the context specifically and clearly indicates otherwise, the meaning of the following terms and phrases as used in this ordinance, shall be as follows:

A. ALL-TERRAIN VEHICLE (ATV)

Any motorized off-road recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain, including but not limited to a multi-track,

multi-wheel or low-pressure-tire vehicle or related two-wheel, three-wheel, four-wheel or belt-driven vehicle, or an amphibious machine. The definition of ATV excludes golf carts, construction machines, utility vehicles used for business operations, agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's private property, or motorized vehicles being used for law enforcement, fire, emergency, military, or other authorized governmental purposes.

B. PARKING

The halting of a vehicle, whether occupied or not, except temporarily for the purpose of—and while actually engaged in—loading or unloading property or passengers.

C. PRIVATE PROPERTY

Any land, rights-of-way, roads, or other real property owned, maintained or otherwise under the control of any person or entity other than the Township and not available for general use by the public.

D. STREET

Any street, road, lane, court, cul-de-sac, alley, path, public way, and public square within the Municipal Limits of the Township of Cumberland.

E. RECREATIONAL VEHICLE

A single-axle or multiple axle structure mounted on wheels or otherwise capable of being made mobile when attached to a motor vehicle for the purpose of travel, recreational and vacation use; or shall include but shall not be limited to travel trailers, mobile homes, tent trailers, boat trailers, and horse trailers.

F. STORAGE

The placement of all-terrain vehicles, recreational vehicles, or utility trailers at a given location within the Township of Cumberland for continuous periods of time exceeding 24 hours.

G. UTILITY TRAILER

A separate vehicle, not driven or propelled by power, designed to transport vehicles and/or other types of personal property.

SECTION 4. PARKING AND STORAGE REGULATIONS

- A. No all-terrain vehicles, recreational vehicles, or utility trailers shall be parked or stored on any street in the Township of Cumberland.

- B. All-terrain vehicles, recreational vehicles, and utility trailers shall not be parked in any Township right-of-way for a period exceeding thirty (30) minutes.
- C. All-terrain vehicles, recreational vehicles, and utility trailers may be parked or stored on private property of the owner of such vehicles only under the following conditions:
 - 1. An all-terrain vehicle, recreational vehicle, or utility trailer must be parked on the owner's property and behind the building line. The wheels of said vehicles must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.
 - 2. Any all-terrain vehicle, recreational vehicle, or utility trailer stored on private property, as defined in Section 3 of this ordinance, shall be stored either in a garage or a rear or side yard.

SECTION 5. HIGHER STANDARDS TO GOVERN

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or the higher standard shall govern.

SECTION 6. VIOLATIONS AND PENALTIES.

Any person who shall be convicted of violating or failing to comply with the provisions of this ordinance before any Magisterial District Judge shall be punishable by a fine of not more than \$300, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for a period not exceeding 30 days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

SECTION 7. SEVERABILITY.

The provisions of this ordinance are hereby declared severable, and if any of its provisions shall be held to be invalid or unconstitutional, or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof; it is hereby declared to be the intent of the Township that this ordinance would have been adopted if such invalid, unconstitutional or otherwise void provision had not been included herein.

SECTION 8. REPEALER.

Any ordinance containing any provision inconsistent herewith to the extent that such provisions are inconsistent, those provisions are also hereby repealed.

SECTION 9. EFFECTIVE DATE.

This ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of
Cumberland Township in lawful session assembled this 17th day of November, 2022.

ATTEST:

CUMBERLAND TOWNSHIP

Melanie G. Leasure
Melanie Leasure, Secretary/Treasurer

By: James M. Sokol
James M. Sokol, Chairman

By: William H. Nicholson
William H. Nicholson, Vice Chairman

By: Samuel H. Hastings
Samuel H. Hastings, Supervisor

(SEAL)

