

**CITY OF COATESVILLE  
COUNTY OF CHESTER**

**AN ORDINANCE AMENDING THE GENERAL LAWS OF THE CITY OF COATESVILLE, AS AMENDED, PART II, "GENERAL LEGISLATION," BY ADDING CHAPTER 70, "ALL-TERRAIN VEHICLES AND DIRT BIKES," FOR THE PURPOSE OF REGULATING THE USE OF ALL-TERRAIN VEHICLES AND DIRT BIKES; AND INCLUDING §70-1, "PURPOSE," ADDRESSING THE PURPOSE OF THE NEW CHAPTER; §70-2, "DEFINITIONS," DEFINING TERMS USED IN THE NEW CHAPTER; §70-3, "REGISTRATION REQUIREMENTS," ADDRESSING REGISTRATION OF ATVS AND DIRT BIKES; §70-4, "COMPLIANCE WITH STATE LAW," REQUIRING COMPLIANCE WITH PENNSYLVANIA LAW; §70-5, "OPERATION AND USE," SETTING FORTH THE REQUIREMENTS FOR THE OPERATION AND USE OF ATVS AND DIRT BIKES; §70-6, "VIOLATIONS AND PENALTIES," ESTABLISHING LIABILITY FOR VIOLATIONS AND PENALTIES TO BE IMPOSED; §70-7, "IMPOUNDMENT OF ATV OR DIRT BIKE," SETTING FORTH THE PROCEDURE FOR IMPOUNDMENT AND REDEMPTION OF ATVS AND DIRT BIKES USED IN VIOLATION OF THE CHAPTER.**

**WHEREAS**, the City of Coatesville ("City") is a Third Class City operating by means of a home rule charter; and

**WHEREAS**, the City Council of the City of Coatesville ("Council") has decided that it is in the best interest and the health, safety, and welfare of its residents to enact an ordinance regulating the use of all-terrain vehicles and dirt bikes within City limits; and

**WHEREAS**, Council has determined that procedures for immediate notice and citation for violation of this Ordinance and the seizure and impoundment of such vehicles in violation hereof are necessary to provide for the health, safety, and welfare of the City's residents; and

**WHEREAS**, §2-301.A of the City Charter requires that the City pass an ordinance that provides a fine or other penalty or establishes a rule or regulation for violation of which a fine or other penalty is imposed; and

**WHEREAS**, Council desires to adopt this Ordinance creating Chapter 70, "All-Terrain Vehicles and Dirt Bikes," as set forth below.

**NOWHEREFORE**, in accordance with the foregoing authority, which incorporates all rights and powers granted to the City of Coatesville under the Third Class City Code and those powers set forth under its Charter, the City hereby enacts and ordains as follows:

**SECTION 1.** The General Laws of the City of Coatesville, as amended, Part II, "General Regulations," is amended by adding Chapter 70, "All-Terrain Vehicles and Dirt Bikes," as follows:

#### §70-1 Purpose.

The purpose of this chapter is to regulate the use of all-terrain vehicles and dirt bikes to limit the threats they pose to the health, safety and welfare of the residents of the City of Coatesville.

#### §70-2 Definitions.

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

##### 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.

##### DIRT BIKE

A motorcycle with tires and suspension designed and built for riding on unpaved roads and over rough terrain.

##### OCCUPANT

A person who resides on the property in question.

##### OPERATE

To use in any manner within the boundaries of the City of Coatesville, Chester County, Pennsylvania.

##### OWNER

Any person who has legal or equitable title to the property on which an ATV or dirt bike is being operated.

##### PERSON

An individual, group of individuals, partnership, firm, association or any other entity.

##### 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 City of Coatesville, Chester County and not available for general use by the public.

#### §70-3 Registration requirements.

Registration of vehicles governed by this chapter is required in accordance with the registration provisions of Pennsylvania law. Proof of registration in the nature of copies of the registration documents required by state law shall be supplied to City of Coatesville Police Department or the City's designee when requested in the course of enforcing the provisions of this chapter.

#### §70-4 Compliance with state law.

Any person who operates an ATV within the City of Coatesville shall do so only in full compliance with the provisions of Pennsylvania law including, but not limited to, registration and licensing.

#### §70-5 Operation and use.

- A. Owner or occupant. Only the owner or occupant or their guests or invitees shall be permitted to operate an ATV or dirt bike on private property.
- B. Access limitation. No person shall go on or cross the land of another with an ATV or dirt bike without the written permission of the owner, which written permission shall be carried on the person of the operator. No person shall operate an ATV or dirt bike on state or City roads unless properly registered and licensed for such purpose.
- C. Setback requirements. A person operating an ATV or dirt bike on private property must remain at least 100 feet from any adjoining or adjacent property line and must remain at least 150 feet from an off-site residential dwelling.
- D. Maximum numbers, facilities and events.
  - (1) The operation of more than four ATVs at one time requires an event or facility permit from the City, provided such event or facility is otherwise a permitted use under applicable City ordinances.
  - (2) Where one or more structures, a track, a course, or one or more obstacles, including dirt mounds, are installed or arranged for use by vehicles regulated under this chapter, a facility or event permit shall be obtained from the City in those areas where such facilities or events may be permitted under applicable City ordinances. Otherwise, such facilities and events are prohibited. Compliance with all City ordinances, including required erosion and sedimentation controls set forth in Chapter 194, prior to the installation and use of these facilities by the vehicles governed under this chapter is required.
- E. Time limitations. It shall be unlawful for any person to operate an ATV or dirt bike for recreational purposes between the hours of 9:00 p.m. and 7:00 a.m., prevailing time. Operation of ATVs and dirt bikes will be limited to a one-hour session with a three-hour rest before the next operation of the vehicle. The rest period must be provided to prohibit disturbance of the peace within the City. Operation within this prohibited time period shall be considered a disturbance of the peace with the City.
- F. Noise limitation. No person shall operate an ATV or dirt bike without an effective and suitable muffling device on its engine, which efficiently deadens or muffles the noise of the exhaust. Operation of an ATV or dirt bike shall be subject to and compliant with the noise limitations, restrictions and requirements set forth in Part II, General Regulations, Chapter 161, Noise.
- G. Speed limitation. No person shall operate an ATV or dirt bike at a speed greater than that reasonable and prudent considering the existing conditions.

- H. Dust limitation. No person shall operate any ATV or dirt bike in any manner which creates dust which crosses on to any adjoining or adjacent property. Visible dust, mud or debris shall not leave the property boundaries of the parcel where vehicles governed by this chapter are operated.
- I. Environmentally sensitive area limitation. No person shall operate, allow or permit the operation of an ATV or dirt bike within a stream, creek, waterway, drainage way, wetland, erosion sensitive area, floodplain, or within 50 feet of such environmentally sensitive area.

#### §70-6 Violations and penalties.

- A. Violations; persons liable. It shall be unlawful and a violation of this chapter for any property owner or person to violate any provision of this chapter and any such violation shall subject the owner of the property and any person operating an ATV or dirt bike in violation of this chapter to the enforcement and penalty provisions set forth in this section.
- B. Enforcement and penalties. The City of Coatesville Police Department, the Pennsylvania State Police and such persons as may from time to time be designated by the City are authorized to make a determination of a violation of, and to enforce, the provisions of this chapter. The first violation of this chapter shall result in the issuance of a citation, and upon being found guilty thereof, shall subject the violator to a fine of \$250. A second or subsequent violation of this chapter shall result in the issuance of a citation, and upon being found guilty thereof, shall subject the violator to a fine of \$600 for a second offense, and \$1,000 for the third and each subsequent offense. Upon default in payment of a fine or upon a guilty finding of a third or subsequent offense, the violator may be subject to a term of imprisonment up 90 days, or the maximum otherwise allowed by law. Each day that a violation continues or each section of this chapter that is found to be violated shall be considered a separate violation.
- D. All offenders convicted of violating this chapter shall pay the costs of prosecution in addition to any fine and court costs.
- E. Any person guilty of a violation of this chapter may also be subject to civil proceedings for damages and/or injunctive relief by the owner of the property where violation(s) occur, the City, and any entity injured or damaged by such violation.
- F. Both criminal and civil proceedings may be commenced against a person violating this chapter, and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against such violator.

#### §70-7 Impoundment of ATV or Dirt Bike.

In addition to any actions brought under §70-6 above, in the event a person is operating an ATV or dirt bike in violation of this chapter on the street or on private property without the owner's consent, a police officer may impound any ATV or dirt bike operated by such person. Any such vehicle impounded by a police officer may be redeemed by the owner or person authorized by the owner, upon payment of any fines and costs, as well as all costs of towing and storage

applicable to such vehicle, and subject to providing documentation establishing proof of registration as required by §70-3.

**SECTION 2.** All ordinances or parts of ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 3.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof.

**SECTION 4.** This Ordinance shall be effective 30 days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 8<sup>th</sup> day of April, 2019.

  
Linda Lavender-Norris, President City Council

ATTEST:

  
Michael T. Trio, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 25<sup>th</sup> day of March, 2019, was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 8<sup>th</sup> day of April, 2019, and that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.