

**TOWNSHIP OF PYMATUNING
MERCER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 212

Image ID: 000003475800 Type: GEN
Recorded: 05/15/2024 at 11:20:05 AM
Fee Amt: \$19.00 Page 1 of 4
Mercer County, PA
Dee Dee Zickar Recorder of Deeds
File **2024-00003549**

**AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING,
MERCER COUNTY, PENNSYLVANIA, PERMITTING THE USE OF ALL-
TERRAIN VEHICLES ON CERTAIN ROADS WITHIN THE TOWNSHIP
AND REGULATING THE USE ON SUCH PERMITTED ROADS.**

WHEREAS, Pymatuning Township ("Township") has dozens of miles of roads that run throughout the Township; and,

WHEREAS, Pennsylvania law, 75 Pa.C.S. § 7722(a) permits all local government entities to designate any portion of their roads to be available for use by all-terrain vehicles ("ATVs") and,

WHEREAS, it is the judgment of Township Board of Supervisors that certain roads, or portions thereof, are suitable for ATV use, with various safeguards in place for the protection of ATV operators and the general public.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, AND THE TOWNSHIP OF PYMATUNING HEREBY ORDAINS AND ENACTS BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. DEFINITIONS. The following terms shall be defined as provided in the Motor Vehicle Code, 75 Pa.C.S. § 7702, which currently is as follows:

A. "All-terrain vehicle" or "ATV." A motorized off-highway vehicle which travels on three or more tires and which has:

- (1) a maximum width of 50 inches and a maximum dry weight of 1,200 pounds; or
- (2) a width which exceeds 50 inches or a dry weight which exceeds 1,200 pounds.

An ATV described in paragraph (1) may be referred to as a Class I ATV, and an ATV described in paragraph (2) may be referred to as a Class II ATV. This term does not include snowmobiles, trail bikes, motorboats, golf carts, aircraft, dune buggies, automobiles, construction machines, trucks or home utility machines; military, fire, emergency and law enforcement vehicles; implements of husbandry; multipurpose agricultural vehicles; vehicles used by the department; or any vehicle that is or is required to be registered under Chapter 13 (relating to registration of vehicles). In addition, this term does not include off-road motor vehicles used exclusively as utility vehicles for agricultural or business operations and incidentally operated or moved upon the highway.

B. "Department." The Department of Conservation and Natural Resources of the Commonwealth.

C. "Head lamp." A major lighting device used to provide general illumination ahead of a vehicle.

D. "Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

E. "Tail lamp." A device to designate the rear of a vehicle by a warning light.

SECTION 2. ROADS UPON WHICH ATVs ARE PERMITTED. The following roads, or portions thereof, are hereby permitted as special ATV roads within the Township, all of which must share the use of the road with vehicular traffic:



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- East Lake Road to township line to Rt. 18
- Colt Road from Route 18 to Saranac Drive
- From Saranac Drive to township line
- Townline Road from Rutledge Road to township line
- Maysville Road from Rutledge Road to West Salem township line
- Shenango Park from Rutledge Road to West Lake Road

- Wall Street
- Edgewood Drive Ext.

- West Lake Road from Shenango Park Road to township line
- Carrier Road from West Lake to Rutledge
- Mortimer from Carrier to township line

- Brentwood Drive – within the Industrial Park only
- Gosser Street
- Stainless Street
- Edgewood Drive
- All of Crestview Drive that is a township road, which consists of the following portions:
 - From East Lake Road to Rutledge Road
 - From Hamburg Road to East Crestview Drive
 - From Reynolds Industrial Park Road to West Salem Township Line

ATVs shall be permitted to operate on all other township roads located within the R-3 zoning district for the sole purpose of gaining access to the roads on which ATVs are permitted, listed herein.

The use of ATVs (except for those uses specifically permitted under 75 Pa.C.S. § 7721) on all other roads, or portions thereof, not provided for in this section shall be prohibited.

SECTION 3. REGULATIONS FOR PROPER USE. To lawfully operate ATVs on the Township roads provided in Section 2, the following requirements must be met:

- A. All ATVs must be registered with the Department and insured.
- B. The operator must be at least 16 years of age and have a valid safety certificate issued by the Department.
- C. No ATV shall be operated on Township roads between sunset and dawn, or during such other times of poor visibility or daylight, without having a head lamp and tail lamp that complies with state regulations.
- D. ATVs must be operated at all times in compliance with state law, including but not limited to the placement of license plates and registration stickers attached to the rear of the ATV.

SECTION 3. REGULATIONS FOR PROPER USE. The Township affirms that no liability shall be imposed upon the Township for permitting ATV use on certain roads, as provided by 75 Pa.C.S. § 7722(c).

SECTION 2. ROADS UPON WHICH ATVs ARE PERMITTED. The following roads, or portions thereof, are hereby permitted as special ATV roads within the Township, all of which must share the use of the road with vehicular traffic:



- East Lake Road to township line to Rt. 18
- Colt Road from Route 18 to Saranac Drive
- From Saranac Drive to township line
- Townline Road from Rutledge Road to township line
- Maysville Road from Rutledge Road to West Salem township line
- Shenango Park from Rutledge Road to West Lake Road

- Wall Street
- Edgewood Drive Ext.

- West Lake Road from Shenango Park Road to township line
- Carrier Road from West Lake to Rutledge
- Mortimer from Carrier to township line

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- Stainless Street
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SECTION 3. REGULATIONS FOR PROPER USE. The Township affirms that no liability shall be imposed upon the Township for permitting ATV use on certain roads, as provided by 75 Pa.C.S. § 7722(c).

SECTION 4. SEVERABILITY. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 5. REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. EFFECTIVE DATE. The provisions of this ordinance shall become effective in seven (7) days.

PYMATUNING TOWNSHIP ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PYMATUNING THIS 17 DAY OF March, 2023.

**BOARD OF SUPERVISORS OF
PYMATUNING TOWNSHIP
MERCER COUNTY, PENNSYLVANIA**

By Gary Lowers
Gary Lowers, Chairman

By Ryan Zarecky
Ryan Zarecky, Supervisor

By Jim Rowe
Jim Rowe, Supervisor

ATTEST: Cheri M. DiGregorio
Cheri DiGregorio, Secretary



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