

Drafted by	Asst. Solicitor/City Clerk
Sponsored by/Referred by	Police Chief
Introduced on	Nov 28, 2016
Advertised on	Dec 5, 2016

**BILL NO. 606-2016
AN ORDINANCE**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 576, PART 13
MOTORIZED DEVICES AND CHAPTER 576-407 STORAGE OF VEHICLES
ON THE STREET BY ADDING LANGUAGE REGARDING ALL-TERRAIN
VEHICLES AS ATTACHED IN EXHIBIT A**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:**

WHEREAS, municipal corporations have plenary power and authority to keep and maintain public streets, avenues, roads, alleys, and sidewalks free from obstructions and authority to regulate the use of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipality; and,

WHEREAS, municipal corporations have plenary power and authority to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; and authority to provide penalties for the offenses and violations of law and,

WHEREAS, numerous incidents have been observed by, or otherwise reported to municipal authorities, and particularly the City of Reading Police Department, involving the operation of all-terrain vehicles (ATV's) upon the public streets, alleys, sidewalks, parking lots, and other publicly owned, leased or controlled property; and,

WHEREAS, these incidents frequently have posed concerns for the safety and well-being of (1) individuals operating ATV's, (2) individuals operating other permitted and licensed vehicles, and/or (3) pedestrians; and,

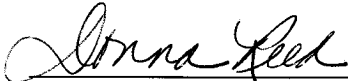
WHEREAS, the Council and Police Department of the City of Reading have determined that in order to best protect the safety, health and general well-being of all individuals that the operation of ATV's upon the streets, alleys, sidewalks, parking lots and other controlled property situated within the corporate limits of Reading should be banned and prohibited altogether; and,

WHEREAS, the Council and Police Department of the City of Reading have identified that the auction of unregistered ATV's creates additional hazards as it places these vehicles back in the possession of irresponsible parties; therefore, the City of Reading Police Department shall be authorized to seize ATV's and select a method of disposal that will prevent unregistered ATV's from being resold at auction.

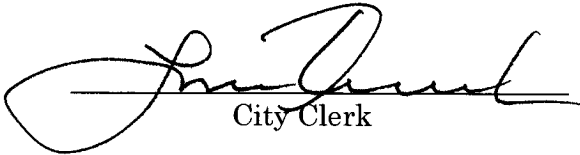
SECTION 1. Amending the City Code amending City Code Chapter 576, Part 13 Motorized Devices by adding language regarding All-Terrain Vehicles and Chapter 576-407 Storage of Vehicles on Streets, as attached in Exhibit A.



SECTION 2. This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Enacted Dec 19, 2016


Vice President of Council

Attest:


City Clerk

Submitted to Mayor:  _____
Date: 12/20/16
Received by the Mayor's Office: _____
Date: _____
Approved by Mayor:  _____
Date: 12/28/16
Vetoed by Mayor: _____
Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 19 day of Dec A. D. 2016. Witness my hand and seal of the said City this 19 day of Dec A. D. 2016.

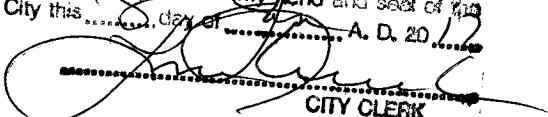

CITY CLERK

EXHIBIT A

Part 13 Motorized Devices & All-Terrain Vehicles

A Use and Operation

§ 576 – 1301. Operation of Motorized devices is restricted.

A. No person shall operate an unlicensed, unregistered or uninspected motorized device *or All-Terrain Vehicle* on any alley, public property or street.

§ 576 – 1302. Definitions.

A. For the purposes of this Part, a "motorized device" includes:

(1) A device commonly referred to as a "motor scooter" or "powerboard," but not a motorized assistive device used by a person with a disability, that is designed to allow operation powered by an internal combustion engine or electric motor that is capable of propelling the device and operator without human propulsion.

B. An "All-terrain vehicle" or "ATV"

(1) Shall have the same meaning as used in Section 7702 of the Vehicle Code, 75 Pa. C.S. § 7702.

C. Operator – a person who is operating a motorized device or ATV.

D. Owner – Any person who has legal or equitable title to the property on which a motorized device or ATV is being operated.

E. Private Property – Any land, right-of-way, road or property under the control of an owner other than the City of Reading and not available for general use by the public.

§ 576 – 1303. Registration and Title.

A. Registration

(1) All ATVs in the city of Reading, except all-terrain vehicles used solely in support of a licensed commercial business or agricultural purposes, need to be registered and titled with the Pennsylvania Department of Conservation and Natural Resources (DCNR). Registration permits the ATV to be operated exclusively on the ATV owner's private property, on another land owner's private property with written consent, or any local highway or property designated by the municipality for ATV operation.

(2) Upon registration with DCNR, the plate must be attached and prominently displayed on the rear of the ATV.

- (3) Exempt from registration requirements are ATVs owned by nonresidents covered by a valid registration in their state or province. If you purchase your vehicle at a registered dealer, the dealer will handle your application for title and registration. If you purchase your ATV privately, you will need to contact the Department of Conservation and Natural Resources to register and title your vehicle.

B. Title

- (1) All ATVs in the City of Reading must have a title issued by DCNR. Title is not required for ATVs registered with DCNR before February 1987 until they are sold by the owner.
- (2) Title is not required for ATVs used exclusively as utility vehicles for agricultural or support of a licensed commercial business operations; those owned and operated by a governmental body; owned by a registered dealer prior to sale; owned by a nonresident of Pennsylvania; or an ATV owned by a resident of Pennsylvania but properly registered in another state.

§ 576 – 1304. Operation and Use.

A. Operation

- (1) No person shall operate, park, stop, stand, place or maintain any all-terrain vehicle on any public sidewalk or any public property, including without limitation any park or recreation facility, except where expressly authorized by law; provided that the owner or a person with lawful permission of the owner may temporarily place an all-terrain vehicle on the sidewalk abutting his or her house or abutting any premises where the vehicle is lawfully stored, for purposes of lawfully transporting the vehicle to a location outside the City within forty-eight hours of notice.

Nothing in this section prohibits the lawful transport of an all-terrain vehicle on a licensed trailer or other safe carrier, or the manual transport of a vehicle onto or off of such a carrier, so long as the motor or engine of the all-terrain vehicle remains off at all times. Additionally, this does not grant the operator authority to state or local highways to gain access to a permitted ATV area of operation.

B. Nuisance.

- (1) An ATV operator must remain at least one hundred feet (100') from any adjoining or adjacent property line, and must remain at least one hundred fifty feet (150') from an off-site residential dwelling.
- (2) No person shall operate an ATV or motorized device without an effective and suitable muffling device on its engine which efficiently deadens or muffles the noise of the exhaust.
- (3) This does not include municipal, emergency and law enforcement vehicles or vehicles used exclusively for agricultural or in support of a licensed commercial business operations.

§ 576 – 1305. Enforcement.

A. Penalties

- (1) Any person who violates a provision of this Section shall be fined in the amount of \$300 for the first offense. Any subsequent violation of this section may result in a \$500 fine, or seizure, pursuant to the procedures set forth in Section 576-415, with probable cause that the vehicle has been used or is being used in violation of local or state regulations.

B. Appeal

- (1) Any person who claims his or her vehicle was wrongfully fined or seized may file an appeal in accordance with Section 576-518.
- (2) Upon appeal of the violation, or any fines or penalties, any person to whom a ticket is issued within ten days of the date of issuance may agree to forfeit the vehicle, if the value of the vehicle, in its current condition, is below the amount fined, or if the defendant does not own the vehicle and the owner cannot be located, or the owner could not reasonably have known the vehicle would have been operated in violation of this Section.
 - (a) If forfeiture is not awarded, the Police Department shall return the vehicle to the legal owner of record upon payment of all applicable fines, penalties, fees and compliance with all applicable laws pertaining to the vehicle.

If forfeiture is awarded, the Police Department shall dispose of the vehicle in an appropriate manner, which may include destruction of the vehicle to reduce recurring violations of this Section.

C. Effective

- (1) Upon passage, no penalties shall be levied or fines imposed until ninety days thereafter.

§ 576 – 407. Storage of vehicles on streets.

A. No vehicle shall be stored upon any street. As used herein, "stored" shall mean:

- (1) ~~The~~ parking of a vehicle in one place upon any street continuously for over 72 hours, excluding tractor trailers, for which the parking time restriction shall be 48 hours.
- (2) *The parking of an All-Terrain Vehicle or "ATV" on the sidewalk abutting his or her house or abutting any premises where the vehicle is in a licensed trailer or other safe carrier, or manual transport for the purposes of lawfully conveying the vehicle for an agricultural use, to support a licensed commercial business operation, or a location outside the City within twenty-four hours of notice.*