



**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2432-21

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE TOWNSHIP CODE CHAPTER 285, “ALL-TERRAIN VEHICLES, DIRT BIKES AND DUNE BUGGIES PROHIBITED ON PUBLIC STREETS AND SIDEWALKS WITHIN THE TOWNSHIP AND CERTAIN OTHER PUBLIC AREAS,” AMENDING SECTION 285-42, “VIOLATIONS AND PENALTIES,” TO INCREASE THE MAXIMUM AMOUNT OF A FINE FOR VIOLATION, AND ADDING OTHER REMEDIES

WHEREAS, there has been a proliferation of all-terrain vehicles (“ATVs”), motorcycles, sometimes known as “dirt bikes”, and similar motorized vehicles which are unregistered with the Commonwealth of Pennsylvania Department of Transportation yet are irregularly and recklessly being operated on streets and sidewalks within the region; and

WHEREAS, the Board of Commissioners of the Township is authorized to adopt ordinances for the proper management, care and control of the Township, and the maintenance of peace, good government and the welfare of the Township; and

WHEREAS, the First Class Township Code expressly authorizes the Board of Commissioners to regulate the streets and sidewalks within the Township and land owned by the Township.

NOW, THEREFORE, the Board of Commissioners of the Township of Cheltenham hereby ordains and enacts as follows (new text underlined, deleted text in ~~strikeout~~):

SECTION I. - Amendment to the Code

Chapter 285 entitled “Vehicles and Traffic,” Article III entitled “Miscellaneous Provisions,” is hereby amended to add the following new Section 41:

§285-41 All-Terrain Vehicles Dirt Bikes, and Dune Buggies Prohibited on Public Streets and Sidewalks and Certain Other Public Areas

A.

(1) No person shall operate, park, stop, stand, place or maintain any all-terrain vehicle on any public street or sidewalk or any Public Property, including without limitation any park or trail or recreation facility except where expressly authorized by law. Nothing in the Section prohibits the lawful transport of an all-terrain vehicle on a licensed trailer or other safe carrier, or the manual transport of an all-terrain vehicle onto or off of such carrier, so long as the motor or engine of the all-terrain vehicle remains off at all times.

(2) No person shall operate, park, stop, stand, place or maintain any Dirt Bike or Dune Buggy on any public street or sidewalk or any Public Property, including without limitation any park or trail or recreation facility except where expressly authorized by law. Nothing in the Section prohibits the lawful transport of a Dirt Bike or Dune Buggy on a licensed trailer or other safe carrier, or the manual transport of a Dirt Bike or Dune Buggy onto or off of such carrier, so long as the motor or engine of the Dirt Bike or Dune Buggy remains off at all times.

(3) For purposes of this Chapter, the term all-terrain vehicle or “ATV” shall have the same meaning as used in Section 7702 of the Vehicle Code, 75 Pa.C.S. § 7702.

(4) For purposes of this Chapter, the term “Dirt Bike” shall mean a motorcycle, as defined in Section 102 of the Vehicle Code, 75 Pa.C.S. 102, that: (1) is not licensed or registered, and (2) does not meet the minimum equipment requirements of Subchapter H of 67 Pa. Code Chapter 175 in Pennsylvania as a motorcycle, with tires and suspension designed and built for riding on unpaved roads and over rough terrain.

(5) For purposes of this Chapter, the term “Dune Buggy” shall mean a low, wide-wheeled motor vehicle that: (1) is not licensed or registered, and (2) does not meet the minimum equipment requirements of Subchapter E of 67 Pa. Code Chapter 175 in Pennsylvania, with tires and suspension designed and built for riding on sand and over rough terrain.

(6) For the purposes of this Chapter, the term “Public Property” shall include real property owned by either Cheltenham Township or the Cheltenham Township School District.

SECTION II. - Amendment to the Code

Chapter 285-42 entitled “Violations and Penalties” is hereby amended as follows:

A. Unless another penalty is expressly provided by the Vehicle

Code (75 Pa.C.S.A. §101 *et seq.*) or except as herein specified, any person or legal entity violating the provisions of this Chapter shall, upon summary conviction before a ~~district justice~~ magisterial district judge, pay a fine of not less than ~~\$15~~ \$100 nor more than ~~\$600~~ \$1,000, together with the costs of suit, collectible in the manner provided by law as well as court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings. Each violation after notice of an offense or service of the summons shall constitute a distinct and separate offense.

- B. In addition to issuance of a citation for a summary offense(s), whenever a police officer has probable cause to believe that an Off-Road Vehicle has been operated on a highway with no valid registration, or for which the registration is suspended, or where the operator is unlicensed or if the operator's operating privileges are suspended, revoked, cancelled, recalled or disqualified, the officer may immobilize the vehicle or, in the interest of public safety, direct that the vehicle be towed and stored in compliance with the provisions of Section 285-35 of the Township Code entitled "Removal of Vehicles from Township Highways" and any and all established regulations and provisions of the Pennsylvania Vehicle Code including but not limited to 75 Pa.C.S.A §6309.2, which is incorporated by reference herein, as well as any regulations promulgated by the Township Manager or his designee which may include rules, guidelines and procedures to be followed by vehicle removal agencies in accordance with Section 285-35.

SECTION III. - Disclaimer

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of Cheltenham Township, Montgomery County or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION IV. - Severability

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION V. - Repealer

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION VI. - Failure to Enforce Not a Waiver

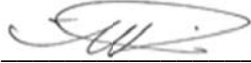
The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. - Effective Date

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

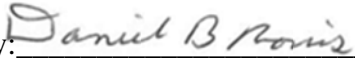
DULY ORDAINED AND ENACTED this 15th day of **December, 2021**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

ATTEST:



Robert Zienkowski
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 
Daniel B. Norris, President