

**BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 160

AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, REGULATING THE OPERATION OF CERTAIN ENGINE-POWERED VEHICLES AND DECLARING THE OPERATION OF SUCH VEHICLES IN VIOLATION OF THIS ORDINANCE TO BE A PUBLIC NUISANCE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, pursuant to the general powers permitted by the Second Class Township Code (53 P.S. § 65101), the following:

SECTION 1. – TITLE. -

This Ordinance shall be known and may be cited as the “Barrett Township Nuisance Ordinance.”

SECTION 2. – DEFINITIONS. -

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

ENGINE-POWERED VEHICLE — Includes all wheel- and belt-driven vehicles powered by internal combustion engines, including but not limited to motorcycles, motorbikes, trail bikes, motor scooters, all-terrain vehicles, snowmobiles and similar vehicles, but shall not be construed to include properly licensed motor vehicles operated upon the public highways, streets, roads and private driveways in accordance with law, agricultural equipment used in the course of farming, commercial equipment being properly used in the trade or business of the owner by such owner’s employees or agents, or lawn cutting or snow removal equipment.

OFFICER — Any uniformed policeman authorized to act within Barrett Township, or any officer appointed by the Barrett Township Board of Supervisors to act as an agent of enforcement hereunder.

SECTION 3. – PROHIBITED ACTS. -

- A. On and after the effective date hereof, it shall be unlawful for any person to operate, cause to be operated or to participate in the operation of any engine-powered vehicle upon the public

roads, streets, highways, alleys, sidewalks, footpaths, parks or property situate within Barrett Township, except where specifically permitted by Barrett Township.

- B. On and after the effective date hereof, it shall be unlawful for any person to operate, cause to be operated or to participate in the operation of any engine-powered vehicle upon any property belonging to anyone other than the operator or driver of such vehicle unless said operator has obtained prior written permission from the owner of said property.
- C. On and after the effective date hereof, it shall be unlawful for any person to operate, cause to be operated or to participate in the operation of any engine-powered vehicle upon any property owned or occupied by the operator or driver of such vehicle unless the written consent of all owners or legal occupants of any occupied private residence(s) located within 100 feet of the said operator's or driver's property shall first be obtained.
- D. Operation of any engine-powered vehicle shall be permitted only from 9:00 a.m. to sundown.

SECTION 4. - PERMITS. -

- A. All persons desiring to operate engine-powered vehicles as herein described under the terms and conditions stated herein shall, before operating said engine-powered vehicle, make written application to the Township Supervisors for an engine-powered vehicle permit, which application shall be made upon a form provided and approved by the Township Chief of Police. It is the intent of this ordinance that a permit shall be obtained for each and every vehicle, whether purchased before or after the enactment of this ordinance.
- B. Each application for permit shall be accompanied by a fee, the amount of which shall be set by resolution of the Board of Supervisors of Barrett Township from time to time. The engine-powered vehicle for which the permit is sought shall be equipped with standard/factory installed muffling device or similar equipment on the exhaust system in order to minimize noise.
- C. If the operator of the engine-powered vehicle is to be a person under the age of 16 years, the application shall be submitted and signed by the parent or guardian of said minor operator.
- D. Upon the issuance of such permit, a registration certificate shall be issued to the applicant and shall be affixed to the engine-powered vehicle in a conspicuous place. Permits are not transferrable.

SECTION 5. – PRESUMPTION. –

The operation of any engine-powered vehicle by an operator under the age of 16 years, whether or not the same is in violation of this chapter, shall be conclusively presumed to be with the consent of the parent(s) or guardian(s) with whom that operator resides.

SECTION 6. – VIOLATIONS AND PENALTIES; ENFORCEMENT. -

- A. Any person, whether as principal, agent or employee, who violates or permits a violation of this ordinance, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this ordinance. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.
- B. Any officer, as defined herein, upon personal observation of violation of any provision of this chapter, shall be empowered to confiscate and impound any engine-powered vehicle from the person operating the same in violation hereof, and shall remove it to the Barrett Township Maintenance Building or other municipal facility where the same shall remain until such time as the charges filed against the alleged violator are disposed of by the District Justice or other court order and the fee (set forth below) is paid in full. Any person from whom an engine-powered vehicle was confiscated and impounded shall, upon conviction, be required to pay any towing, transportation or storage fee incurred by the Township before the impoundment is terminated.

SECTION 7. – NUISANCE. -

In addition to all of the foregoing penalties, and not in substitution thereof, the operation of any engine-powered vehicle in violation of this ordinance, is declared to be a public nuisance enjoined in a court of equity, and the Barrett Township Supervisors are authorized to prosecute an action in equity to enjoin the same.

SECTION 8. – SEVERABILITY. -

The provisions of this Ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

SECTION 9. – REPEALER. -

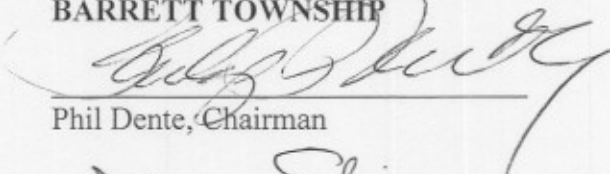
All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 10. – EFFECTIVE DATE. -

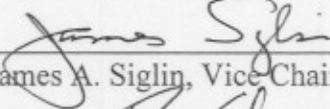
This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 8 day of October, 2008.


**BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP**



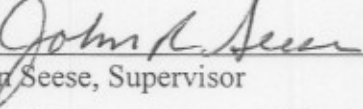
Phil Dente, Chairman



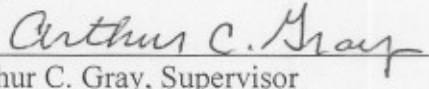
James A. Siglin, Vice Chairman



Rick Scudato, Secretary/Treasurer



John Seese, Supervisor



Arthur C. Gray, Supervisor

ATTEST:



Secretary

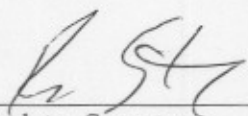
(TOWNSHIP SEAL)

AN ORDINANCE OF THE TOWNSHIP OF
BARRETT, COUNTY OF MONROE, AND
COMMONWEALTH OF PENNSYLVANIA,
REGULATING THE OPERATION OF CERTAIN
ENGINE-POWERED VEHICLES AND DECLARING
THE OPERATION OF SUCH VEHICLES IN
VIOLATION OF THIS ORDINANCE TO BE A
PUBLIC NUISANCE.

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, on the 8th day of October, 2008.

(TOWNSHIP SEAL)



Rick Scudato, Secretary
Barrett Township Board of Supervisors
R.R. 2, Box 2337
Cresco, PA 18326