

BARRETT TOWNSHIP  
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 164

AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND  
COMMONWEALTH OF PENNSYLVANIA, AMENDING AND RESTATING  
BARRETT TOWNSHIP ORDINANCE NO. 160.

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 “Amendment of Barrett Township  
Nuisance Ordinance No. 160.”

**SECTION 2. – AMENDMENT AND RESTATEMENT OF ORDINANCE NO. 160.**

Barrett Township Ordinance No. 160 is hereby amended and restated as follows:

**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. – 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 5. – 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 6. – 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 7. – 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 8. – REPEALER. -**

*All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.*

**SECTION 9. – EFFECTIVE DATE. -**

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

**SECTION 3. – 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 4. – REPEALER. -**


All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed. Except as amended by this Ordinance, the provisions of Barrett Township Ordinance No. 160 shall remain in full force and effect.

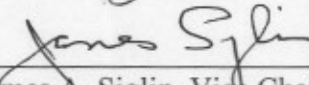
**SECTION 5. – EFFECTIVE DATE. -**


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

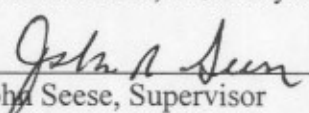
**ORDAINED AND ENACTED** into an Ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 25 day of August, 2009.

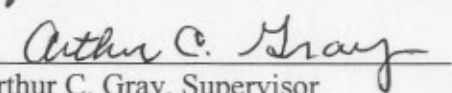
**BOARD OF SUPERVISORS OF  
BARRETT TOWNSHIP**

  
\_\_\_\_\_  
Phil Dente, Chairman

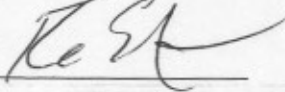
  
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James A. Siglin, Vice Chairman

  
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Rick Scudato, Secretary/Treasurer

  
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John Seese, Supervisor

  
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Arthur C. Gray, Supervisor

ATTEST:

  
\_\_\_\_\_  
Secretary

(TOWNSHIP SEAL)