

ORDINANCE NO. 350

BOROUGH OF MINERSVILLE SCHUYLKILL COUNTY, PENNSYLVANIA OPERATION OF OFF HIGHWAY RECREATIONAL VEHICLES

REPEALING ORDINANCE 345; ESTABLISHING AN ORDINANCE FOR REGULATIONS FOR OFF HIGHWAY RECREATIONAL VEHICLE USE WITHIN THE BOROUGH OF MINERSVILLE AND PRESCRIBING PENALTIES FOR VIOLATIONS; KNOWN AS THE OPERATION OF OFF HIGHWAY RECREATIONAL VEHICLES

1. Purpose

The Borough of Minersville is a community that welcomes and promotes Off Highway Recreational Vehicles (“OHRVs”) and OHRV activities on certain streets within the borough. To increase OHRV activities within the Borough and in being consistent with the Department of Conservation and Natural Resources (DCNR), to offer OHRV vehicles access to the downtown area of Minersville for dining, lodging, shopping, and other amenities. This Ordinance is intended to identify lawful dates and times of OHRV operation within the Borough, as well as permitted OHRV access and travel routes into the Borough for the purpose of providing a specific route of travel for OHRVs to promote the orderly flow of traffic and to protect the health and safety of the residents of Minersville, persons travelling through Minersville, and the operators and passengers of OHRVs while being operated within the Borough.

2. Authority

Throughout the course of the enforcement of this ordinance, authority is derived from Section 75 P.S. § 6102, and the following Chapters of Title 75, the Pennsylvania Motor Vehicle Code:

Chapter 15, Licensing of Drivers

Chapter 17, Financial Responsibility

Chapters 31, 33, 38, Operation of Motor Vehicles

Chapters 61, 63, 65, Administration of Enforcement

Chapter 77 Snowmobiles and ATVs

Sub B. Certificate of title, Registration and Permits

Sub C. Operation

Sub D. Equipment

Sub E. Provisions

3. Definitions

(a) The terms “Off Highway Recreational Vehicle” shall be used for the purpose of this ordinance and mean any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, including, but not limited to, “Side by Side” and “ATV” which can be and are registered with the Commonwealth of Pennsylvania or the state in which the driver resides. All legally registered motorized

vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter “Off Highway Recreational Vehicle” shall be abbreviated as OHRV. OHRVs shall not include snowmobiles as defined in the Pennsylvania Motor Vehicle Code Title 75 and the DCNR handbook for the Commonwealth of Pennsylvania. Snowmobiles are not permitted to be operated within Minersville Borough or as part of this Ordinance.

(b) “Street” means the entire width between boundary lines of every way or place, or whatever nature, used by the members of the public for the operation of vehicular traffic.

(c) “OEM” shall mean Original Equipment Manufactured.

4. Requirements for Annual Municipal Off-Road Access and Lawful Designated Travel Routes

(a) OHRVs are authorized to access and operate upon designated Minersville Borough streets as set forth in paragraph (5) with a valid Famous Reading Outdoors permit valid for one year from date of purchase. No one shall ride any OHRV within the Borough without a valid Famous Reading Outdoors permit. All riders must be able to produce proof of membership upon request by the Minersville Police Department.

(b) In order to access and operate upon designated Minersville Borough streets, a Famous Reading Outdoors permit holder must comply with the following:

1. Current valid state issued driver’s license
2. Valid Famous Reading Outdoors permit
3. Valid OHRV title/registration
4. OHRV liability and property damage policy limit of \$100,000.00

(c) OHRVs shall operate on the travel portion of the streets authorized for OHRV travel, as depicted in the interactive map displaying the streets for authorized OHRV travel within the Borough, in single file, and follow normal vehicular traffic patterns.

(d) OHRVs will be authorized on PA State Route 901 (also known as Sunbury Street within the Borough) from 43 S Delaware Avenue (also known as Fuel Up gas station within the Borough) to 6th Street.

(e) Famous Reading Outdoor permits shall be available for purchase online or in person from Famous Reading Outdoors (“FRO”), 200 Mahantongo Street, Pottsville, PA 17901. FRO shall not issue a permit to an OHRV operator who does not meet the requirements of 4(b) of this Ordinance. FRO shall provide a copy of this Ordinance with every Famous Reading Outdoor permit issued along with a weblink to the town map.

5. Prohibitions/Restrictions

- (a) No person shall operate an OHRV upon the following state routes: PA State Route 209 (also known as South 3rd Street within the Borough), Front St., East on PA State Route 901 (also known as Sunbury Street within the Borough) beyond 43 S Delaware Avenue (also known as Fuel Up gas Station within the Borough), and West on PA State Route 901 beyond 6th Street.
- (b) No person shall operate an OHRV upon a borough street unless properly licensed in accordance with Title 75 of the Commonwealth of Pennsylvania Motor Vehicle Code.
- (c) No OHRV shall be driven at a speed in excess of 25 miles per hour on any state or borough road. Any OHRV driven within the Borough at a speed in excess of 25 miles per hour shall be taken as prima facie evidence that the speed is not reasonable or prudent and is in violation of this ordinance.
- (d) In addition, no person shall operate any OHRV within the Borough at a speed greater than is reasonable and prudent under the existing conditions and with regard to actual and potential hazards. In all cases speed shall be controlled so that the operator will be able to avoid colliding with any person, vehicle, or object.
- (e) The driver of every OHRV shall, consistent with the requirements of subparagraph (c), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and navigating a curve, when approaching a hill crest, when traveling upon any narrow or winding trail, and when a special hazard exists with respect to pedestrians or other traffic by reason of weather or trail conditions.
- (f) No person shall operate any OHRV within Minersville Borough in a manner that endangers any person or damages any property.
- (g) No person shall operate an OHRV within Minersville Borough without working and illuminated head and taillights.
- (h) No person shall operate an OHRV within the Borough without eyeglasses, goggles, or a protective face shield unless the OHRV is equipped with a windshield that protects the driver's eyes and face when sitting erect.
- (i) All OHRVs shall have a valid DCNR registration affixed in a prominent place so as to be clearly visible by other motorists.
- (j) Passengers are not permitted on an OHRV unless it is specifically manufactured or outfitted to contain an OEM second/passenger seat and said passenger is wearing a helmet.
- (k) No one shall operate an OHRV without wearing a securely fastened helmet.

6. Parking

(a) OHRVs are authorized to park only in designated locations or such locations that will not impact residential parking. Borough-designated parking will be at the following locations:

1. River Street – Along the railroad tracks
2. 140 Sunbury Street – Accessible from Lewis Street
3. Minersville recreation parking lot – Along Edgar Lewis Street
4. Sunbury Street – From N. Delaware Ave to 6th Street
5. Public side streets as long as it does not interfere with residential parking

(b) In addition to the Borough-designated parking areas, local businesses may designate privately owned parking lots/areas for OHRV parking.

7. Penalties/Enforcement

(a) Any OHRV operator who violates this Ordinance shall be guilty of a violation and shall be fined and penalized as follows:

- \$300 fine and the towing/impound of OHRV at the discretion of the Minersville Police Department and possible loss of Famous Reading Outdoor permit for the violation of this Ordinance.
- \$300 fine for failure to show proof of valid Famous Reading Outdoor permit plus towing/impound of OHRV.
- \$500 fine for failure to show proof of valid registration/ownership and valid insurance as well as towing/impound of OHRV, and possible loss of Famous Reading Outdoor permit.
- Minersville Borough retains the authority to prohibit OHRV operation or the operator of any OHRV and recommend the termination of any validly issued Famous Reading Outdoor permit for any OHRV that is operated in a manner that is perceived to be a safety hazard to the public or in violation of this ordinance.

(b) This Ordinance shall be enforced by the Minersville Borough Police Department.


7. Operation of any OHRVs on borough streets are authorized seven days a week and shall be limited to the following dates and times:
 - During January through March: 9:00AM until 5:00PM
 - During April through September: 9:00AM until 8:00PM
 - During October through December: 9:00AM until 5:00PM
8. Effective Date. This Ordinance shall take effect and be in full force from and after its enactment as provided by law.

This Ordinance is enacted by the members of the Borough Council of the Borough of Minersville under the Borough Code and any other applicable law arising under the law of the Commonwealth of Pennsylvania.

ENACTED AND ORDAINED this 12th day of March, 2024 the Council of the Borough of Minersville, County of Schuylkill, Commonwealth of Pennsylvania, in lawful session duly assembled.

Attest:

Borough of Minersville


Secretary


President


Vice-President