



UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE # 2024-04

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 176 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED "VEHICLES AND TRAFFIC" TO AMEND SECTION 176 TO ADD A NEW ARTICLE II, SECTIONS 176-11 THROUGH 176-15, TO DESIGNATE OSCAR WAY AND SENN DRIVE AS TOWNSHIP ROADS WHERE RECREATIONAL VEHICLES MAY BE DRIVEN.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that Chapter 176 of the Upper Uwchlan Township Code, titled "Vehicles and Traffic", shall be amended as follows:

SECTION 1. The existing Sections 176-1 through 176-10 shall be titled under Article I, titled, "Miscellaneous Traffic Restrictions".

SECTION 2. A new Article II titled, "Recreational Vehicles" shall be adopted and provide as follows:

"ARTICLE II. RECREATIONAL VEHICLES

§176-11. Purpose. The purpose of this Article is to designate certain public roads within the municipal boundaries of Upper Uwchlan Township as roads where All-Terrain Vehicles may be driven if properly registered and in compliance with this Article and the relevant provisions in the Snowmobile and All-Terrain Vehicle Law, contained in Chapter 77 of the Pennsylvania Motor Vehicle Code.

§176-12. Definitions. The following terms shall have the meaning provided at 75 Pa. C.S.A. §7702, as amended:

- (a) All-Terrain Vehicle or "ATV"
- (b) Department
- (c) Head lamp
- (d) Highway
- (e) Snowmobile
- (f) Street
- (g) Tail Lamp

The following terms shall have the meaning provided at 75 Pa. C.S.A. § 102:

- (a) Motor Vehicle
- (b) Registration
- (c) Traffic
- (d) Vehicle



Additionally, for purposes of this Ordinance, the following additional terms are defined as follows:

- (a) "Joint-Use" means shared use of Senn Drive and Oscar Way by Recreational Vehicles and a Vehicle or Vehicles requiring Registration.
- (b) "Operator" means any person who operates or is in actual physical control of a Recreational Vehicle.
- (c) "Owner" means any of the following:
 - (1) a person who holds the legal title to a Recreational Vehicle;
 - (2) a vendee or lessee of a Recreational Vehicle, which is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or less; and/or
 - (3) a person renting a Recreational Vehicle or having the exclusive use of a Recreational Vehicle.
- (d) "Operate" means to ride in or on and to be in actual physical control of the operation of a Recreational Vehicle.
- (e) "Person" means an individual, partnership, corporation, the State or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.
- (f) "Road" or "Roadway" means the improved portion of a highway or street within the jurisdiction of Upper Uwchlan Township designated for public use to include the berm that is designated or ordinarily used for travel by a Vehicle requiring Registration.
- (g) "Recreational Vehicle" means an All-Terrain (ATV) or Snowmobile as defined at 75 Pa. C.S.A. §7702, as amended.
- (h) "Shoulder" or "Berm" means that portion of a Road or Street on either side of the paved portion of the Road that is improved with gravel for the safety and convenience of vehicular traffic, and which is within the Township right-of-way for the Road or Street in question.
- (i) Any term not defined herein that is necessary for proper interpretation of this Ordinance shall have the definition found in the Pennsylvania Vehicle Code (75 Pa. C.S.A. § 101, *et seq.*) or where not defined therein, in accordance with the term's plain meaning.

§176-13. Designation of Streets for Use of Recreational vehicles. As permitted under the provisions of the Pennsylvania Vehicle Code pertaining to Snowmobiles and All-Terrain Vehicles at 75 Pa. C.S.A. §7722(a), Oscar Way and Senn Drive within Upper Uwchlan Township shall be and are hereby designated as ATV and Snowmobile Roads and hereinafter, these Roadways shall be designated as "Joint Use" Roads, as defined herein and as permitted in this Ordinance.

§176-14. Regulations pertaining to use of Recreational Vehicles.

- A. Any Person who Operates a Recreational Vehicle on Oscar Way and Senn Drive within Upper Uwchlan Township shall do so only in full compliance with the provisions of the Pennsylvania Snowmobile and All-Terrain Vehicle Law, 75 Pa. C.S. Section 7701, *et seq.* (as amended), which is incorporated herein by reference.
- B. Every person who operates a Recreational Vehicle on a Road within Upper Uwchlan Township must have in their possession a valid operator's license (driver's license) issued by the Commonwealth of Pennsylvania, Department of Transportation, or other State.
- C. No Person shall Operate, and no Owner or Dealer shall permit the Operation of a Recreational Vehicle in any of the following ways:
 - (a) Across a privately-owned driveway that abuts the public Roadway.
 - (b) Without displaying a lighted Head lamp and a lighted Tail lamp at all times of operation on Oscar Way and Senn Drive within Upper Uwchlan Township.
 - (c) Unless such Recreational Vehicles are equipped with a stock muffler in good working order.
 - (d) Snowmobiles are prohibited from Operating on Oscar Way and Senn Drive if such roadways are not snow covered. For purposes of this provision, a road is considered snow covered where the pavement is not visible through the snow cover. Where a Road is NOT snow-covered, a Snowmobile may only operate on the Shoulder or Berm of the Road provided that no portion of the ski or skis is in contact with the paved non-snow-covered portion of the Roadway.
 - (e) No person shall operate a Recreational Vehicle between midnight and 6:00 am.

In the event of a conflict between any provision of this section and a provision of the Pennsylvania Snowmobile and All-Terrain Vehicle Law, or the Pennsylvania Motor Vehicle Code, the more restrictive provision shall apply.

§176-15. Violations and penalties. In addition to any other remedy or penalty available or imposed by law, any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in

default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance, which shall be found to have been violated shall constitute a separate offense.”

SECTION 3. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 4. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days following the enactment as provided by law.

ENACTED AND ORDAINED this 16th day of December, 2024.

ATTEST:

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS


Gwen A. Jonik, Secretary


Jennifer F. Baxter, Chair


Andrew P. Durkin, Vice-Chair


Sandra M. D'Amico, Member