

AN ORDINANCE OF THE BOROUGH OF NEW EAGLE PROVIDING DEFINITIONS; PROHIBITING THE OPERATION AND/OR RIDING OF A MOTOR BIKE, MINI-BIKE, TRAIL BIKE, ALL TERRAIN VEHICLE-INCLUDING QUADS, SNOWMOBILE, MOTOR CYCLE OR OTHER SIMILAR MECHANICAL DEVICE WITHIN FOUR HUNDRED YARDS OF ANY RESIDENCE LOCATED WITHIN THE BROUGH OF NEW EAGLE; PROVIDING SPECIFIC EXCLUSIONS; ESTABLISHING PENALTIES AND PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS OF ORDINANCES AND THE SEVERABILITY OF THE ORDINANCE.

Section I

The word "operate" as used in this Ordinance shall mean any act or process which results in the starting of the motor of any mechanical device mentioned herein.

The word "residence" as used in this Ordinance shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

The word "riding" as used in this Ordinance shall mean the act of controlling or using any of the mechanical devices mentioned herein.

Section II

It shall be unlawful for any person to operate and/or ride a motor bike, mini-bike, trail bike, all terrain vehicle-including quads, snowmobile, motorcycle or other similar mechanical device within Four Hundred (400) Yards of any residence located within the Borough of New Eagle.

Section III

This Ordinance shall not prohibit the lawful travel by any vehicle mentioned herein upon the public streets of the Borough of New Eagle.

Section IV

This Ordinance specifically excludes the operation and/or riding of motor bikes, trail bikes, all terrain vehicles-including quads, snowmobiles, motorcycles and other similar mechanical devices when being performed in order to repair the same.

Section V

This Ordinance specifically excludes construction and industrial machinery, such as crawler-tractors, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors, chain saws, log chippers, agricultural tractors and equipment, and powered equipment intended for use in residential areas such as lawnmowers, small lawn tractors and snow removal equipment, *when used for its intended use.*

Section VI

Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00), plus costs of prosecution.

Section VII

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section VIII

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 of this ordinance. It is hereby declared as the intent of the Council of *The Borough of New Eagle* that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED this 10th day of December, 2004

Attest:

Linda Hull
Borough Secretary

Jack B. Hines
Borough President

EXAMINED AND APPROVED THIS 10th day of December, 2004

Attest:

Linda Hull
Borough Secretary

Thomas McPinty
Mayor