

Borough of Mayfield

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ALEXANDER J. CHELIK
Mayor

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Council President

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Borough Secretary

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Solicitor

BOROUGH OF MAYFIELD ORDINANCE NO. 2021-6

AN ORDINANCE OF THE BOROUGH OF MAYFIELD, LACKAWANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, PLACING OPERATIONAL RESTRICTIONS ON ALL MOTORIZED OFF-HIGHWAY VEHICLES WHICH CANNOT BE LEGALLY OPERATED ON PUBLIC ROADS.

WHEREAS, the peace, tranquility, health and safety of the citizens of the Borough of Mayfield are being disturbed by the use of motorized off-highway vehicles on streets and highways, and on private property without the consent of the owner, within the Borough limits, and;

WHEREAS, it is deemed to be in the best interests of the health, safety, welfare and morals of the citizens of the Borough of Mayfield to forbid the use of motorized off-highway vehicles on streets and highways, and on private property without the consent of the owner within the Borough limits;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Mayfield, Lackawanna County, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION I. DEFINITIONS

The following terms shall have the meanings indicated:

- A. BOROUGH – The Borough of Mayfield.
- B. COUNCIL – The Council of the Borough of Mayfield.
- C. MOTORIZED OFF-HIGHWAY VEHICLE – To include, but not limited to:
 - 1. All-terrain vehicle or ATV - a motorized off-highway vehicle which travels on three or more inflatable tires.
 - 2. Utility terrain vehicle or UTV – a side by side.
 - 3. Snowmobile – an engine-driven vehicle that:
 - a) is designed to travel over snow or ice;
 - b) has an endless belt track or tracks;
 - c) is steered by a ski or skis.
 - 4. Motor Scooter – a vehicle consisting of a low footboard with a wheel(s) at each end and a handlebar for steering, propelled by a motor with or without a seat.

- D. OFFICER – Any designated official authorized to act with the Borough of Mayfield.
- E. PRIVATE RESIDENCE/PRIVATE PROPERTY – Includes all houses, apartments, mobile homes and shall not include the private residence (as defined herein) of the owner or operator of any motorized off-highway vehicle operated upon the land of such owner.

SECTION II. OPERATIONAL RESTRICTIONS

- A. On or after the effective date hereof, it shall be unlawful for any person to operate, cause to operate, or participate in the operation of any motorized off-highway vehicle upon the public roads, streets, highways, sidewalks, or alleys situated within the Borough of Mayfield or on private property without the consent of the owner, except as provided herein. Motorized off-highway vehicles may be operated **by a Mayfield resident:**
 - 1. On streets for a short distance to a particular destination, making sure to maintain a safe rate of speed while obeying all traffic signs;
 - 2. On streets during a snowstorm to help plow sidewalks and driveways;
 - 3. On streets during periods of emergencies, when so declared by the Borough;
 - 4. On streets for special motorized vehicle events of limited duration that are conducted according to a prearranged schedule under a permit from the Borough of Mayfield; and
 - 5. To cross a highway, at an angle of approximately 90° to the direction of the highway, and at a place where no obstruction prevents a quick, safe crossing, provided that the motorized off-highway vehicle is brought to a complete stop before crossing the highway, and the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.
- B. Motorized off-highway vehicles may NOT be operated anywhere on the Mayfield Athletic Complex premises or on any public property of Mayfield, nor can they drive through these areas.
- C. Motorized off-highway vehicles MAY be used by firemen and policemen while performing their duties.
- D. As per Pennsylvania Law:
 - 1. The vehicle must be titled and registered with the Department of Conservation and Natural Resources (DCNR). The issued registration plate is to be attached to the back of the machine so that it is clearly visible.
 - 2. No one under 8 years of age shall operate these vehicles on any state-owned property (this includes the public roads in the Borough of Mayfield).
 - 3. No person from age 8 to their 16th birthday shall operate these vehicles except on lands of his/her parent or guardian, unless he/she has completed a prescribed safety training course, received a safety training certificate and is under the direct supervision of a person 18 years of age or older.

SECTION III. VIOLATIONS DECLARED A NUISANCE; REMEDY

It is hereby determined that repeated violations of the ordinance constitute a nuisance and the Borough of Mayfield has the right to tow the motorized off-highway vehicle at the owner's expense.

SECTION IV. VIOLATIONS AND PENALTIES

Any person who violates any provision of this ordinance shall, upon conviction thereof, pay a fine of not more than \$300. Every day that a violation continues shall constitute a separate violation.

SECTION V. NONEXCLUSIVE REMEDIES

The remedies provided herein for the enforcement of this ordinance or any other remedy provided by law shall not be mutually exclusive. Rather, any and all remedies may be applied simultaneously or consecutively at the option of the Borough Council.

SECTION VI. EFFECTIVE DATE

This ordinance shall take effect immediately upon its enactment and as otherwise provided by law and replaces the previously passed Ordinance 7-04 passed by Mayfield Borough on September 8, 2004.

ORDAINED THIS 9th DAY OF JUNE, 2021

TALLY OF VOTES - YEAS _____ NAYS _____

Janice R. Joyce, Council President

Alexander J. Chelik, Mayor

ATTEST:

Phyllis Jaskowiec