

**NOTICE OF THE BOROUGH OF DUNMORE'S PROPOSED ORDINANCE PLACING
OPERATIONAL RESTRICTIONS ON ALL ENGINE POWERD VEHICLES WHICH
CANNOT BE LEGALLY OPERATED ON PUBLIC ROADS IN
THE BOROUGH OF DUNMORE**

Notice is hereby given by the Council of the Borough of Dunmore of the intention to act upon the following proposed ordinance:

THIS ORDINANCE PLACES OPERATIONAL RESTRICTIONS ON ALL NON-LEGAL PUBLIC ROAD ENGINE POWERED VEHICLES INCLUDING, BUT NOT LIMITED TO, MOTORCYCLES, MOTORBIKES, TRAIL BIKES, MOTOR SCOOTERS, SNOW MOBILES, AND ALL TERRAINE VEHICLES, BUT SHALL NOT INCLUDE PROPERLY LICENSED MOTOR VEHICLES WHICH ARE LEGAL TO OPERATE ON PUBLIC HIGHWAYS, STREETS, AND ROADS. THE ORDINANCE ALSO PROHIBITS GAS STATION OWNERS IN THE BOROUGH OF DUNMORE FROM DISPENSING GASOLINE DIRECTLY INTO NON-LEGAL PUBLIC ROAD ENGINE POWERED VEHICLES.

The full text of the proposed Operational Restrictions Ordinance is available for public inspection by appointment by calling 570-343-7611.

**BOROUGH OF DUNMORE
ORDINANCE NO. _____**

**AN ORDINANCE PLACING OPERATIONAL
RESTRICTIONS ON ALL ENGINE POWERD VEHICLES
WHICH CANNOT BE LEGALLY OPERATED ON PUBLIC
ROADS IN THE BOROUGH OF DUNMORE**

The Council of the Borough of Dunmore hereby orders as follows:

§ 288-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH

The Borough of Dunmore.

COUNCIL

The Council of the Borough of Dunmore.

ENGINE-POWERED VEHICLES

Includes all wheeled and belt-driven vehicles powered by internal combustion engines, including, but not limited to, motorcycles, motorbikes, trail bikes, motor scooters, snowmobiles, all-terrain vehicles, etc., 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 or commercial equipment being properly used in the trade or business of the owner or by such owner's employees or agents.

OFFICER

Any designated official authorized to act with the Borough of Dunmore.

PRIVATE RESIDENCE

Includes all houses, apartments, mobile homes and other permanent structures occupied by one or more persons as their primary home and residence, but shall not include the private residence (as defined herein) of the owner or operator of any engine-powered vehicle operated upon the land of such owner.

§ 288-2 Operational restrictions.

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 engine-powered vehicle upon the public roads, street, highways, sideways, or alley situated within the Borough of Dunmore or on private property without the consent of the owner, except as provided herein. Engine-powered vehicles may be operated:

- A. On highways and streets for a short distance, when necessary to cross a bridge or culvert;
- B. On highways and streets during periods of emergencies, when so declared by the Borough;
- C. On highways and streets for special motorized vehicle events of limited duration that are conducted according to a prearranged schedule under a permit from the Borough of Dunmore; and
- D. On a street or two-lane highway, at an angle at approximately 90° to the direction of the highway, and at a place where no obstruction prevents a quick, safe crossing, provided that the engine-powered 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.

§ 288-3 Violations declared nuisance; remedies; appeals.

It is hereby determined that repeated violations of this chapter constitute a nuisance.

- A. Three or more violations of this chapter within a six-month period shall constitute a nuisance.
- B. Upon the third violation of this chapter the Borough of Dunmore hereby has the right to impound the motorized vehicle for a period of not in excess of six months.
- C. Upon the third violation of this chapter, the Borough of Dunmore shall notify the owner and/or driver of its intent to impound said vehicle by giving written notice by first class mail to the owner and/or driver.
- D. Any person aggrieved by this chapter may file an appeal with the Council within 30 days of receiving said notice.
- E. Upon receiving a notice to appeal this decision the Borough shall hold the hearing within 30 days regarding the impounding the said vehicle.
- F. Any person aggrieved by the decision of the Borough Council shall have the right within 30 days to appeal the matter to the Court of Common Pleas.

- G. Any owner of an engine-powered vehicle impounded under this section shall pay any impound fee imposed by the Borough in a separate resolution or charge by the facility where said engine-powered vehicle is impounded.

§ 288-3.1 Direct disbursing of gasoline from gas stations prohibited.

- A. Any person owning a gas station in the Borough of Dunmore disbursing gas from gas pumps located on said property to the general public is hereby prohibited from disbursing or allowing to be disbursed gasoline directly into any engine-powered vehicle.
- B. Any person owning a gas station in the Borough of Dunmore disbursing gas to the general public is hereby prohibited from allowing any person, including customers, to disburse gasoline from gas pumps located on said property directly into any engine-powered vehicle.
- C. All persons are hereby prohibited from disbursing gasoline from gas pumps located at gas stations directly into any engine-powered vehicle.

§ 288-4 Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, pay a fine of not more than \$600, and/or be sentenced to imprisonment for a term not to exceed 30 days. Every day that a violation continues shall constitute a separate violation.

§ 288-5 Nonexclusive remedies.

The remedies provided herein for the enforcement of this chapter 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.

This Ordinance shall be effective on _____ and shall remain in force until modified, amended, or rescinded by the Borough of Dunmore, Lackawanna County, Pennsylvania.

ENACTED AND ADOPTED by the Council this _____ day of _____, _____.

COUNCIL OF THE BOROUGH OF DUNMORE

By: _____
Council President

APPROVED, this _____ day of _____, _____, by the Mayor of the
Borough of Dunmore.

Mayor