

ORDINANCE NO. 409

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, PROHIBITING THE USE OF MOTORIZED RECREATION EQUIPMENT ON PUBLIC THOROUGHFARES AND OPEN AREAS, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough Council of the Borough of Leesport is charged with preserving the health, safety and welfare of the community by the exercise of the powers granted them pursuant to the Borough Code and the Vehicle Code; and

WHEREAS, the use of public streets, sidewalks and Open Areas, as hereinafter defined, for motorized sports equipment and recreation vehicles poses a hazard to both pedestrians and motor vehicle operators; and

WHEREAS, the use of sports equipment and private recreational equipment on public streets, sidewalks and Open Areas is contrary to the health, safety and welfare of residents and uses of public streets and sidewalks; and

WHEREAS, the use of community parks is for the enjoyment and recreation of Borough residents; and

WHEREAS, the use of motorized recreational vehicles can cause damage and destruction to Open Areas and cause increased maintenance expenses for Borough; and

WHEREAS, the regulation of private recreational equipment on public thoroughfares and Open Areas will contribute the health, safety and welfare of the Borough.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same, as follows:

SECTION 1. Definitions.

The following words, when used in this Ordinance, shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

Motorized Recreation Equipment - includes any motor driven vehicle designed or adapted and used exclusively for recreation purposes and any other motor driven vehicle not titled and registered in the Commonwealth of Pennsylvania or in another state.

Open Area - shall include all real property owned by the Borough for use by members of the public for recreational use and enjoyment and all surface water facilities dedicated to Borough.

Vehicle - a device in, upon or by which any person is or may be transported.

SECTION 2. No person shall drive or operate any Motorized Recreation Equipment upon a sidewalk or sidewalk area, any street, except in order to cross the roadway, and any Open Area.

SECTION 3. This Ordinance shall not apply to electrical mobility devices operated for the specific purpose of giving persons with mobility-related disabilities the capability of transporting themselves.

SECTION 4. Penalties.

Any person violating any of the provisions of this Ordinance or failing to comply therewith, or with any of the requirements thereof, shall, upon conviction, be sentenced to pay a fine not exceeding \$600.00, together with costs of prosecution.

SECTION 5. Severability.

If any sentence, clause, section or provision hereof shall be held to be invalid, it is hereby declared to be the intent that the remaining portions thereof would have been enacted notwithstanding such judicial determination of the invalidity of any particular sentence, clause, section or provision in any respect, and such invalidity shall not affect or impair any of the remaining sentences, clauses, sections or provisions of this Ordinance.

SECTION 7. Any Ordinance or part thereof inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

SECTION 8. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED as an Ordinance of the Borough of Leesport, Berks County, Pennsylvania, this 18th day of August, 2004.

ATTEST:

Janera Neiser
Secretary

BOROUGH OF LEESPORT

Bonny S. Reed
President of Council

Approved as an Ordinance of the Borough of Leesport this 18th day of August, 2004.

Robert F. Hoffmaster
Mayor