

**BOROUGH OF WHITE OAK
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3542

**AN ORDINANCE OF THE BOROUGH OF WHITE OAK
RESTRICTING THE USE OF UNLICENSED MOTOR
VEHICLES WITHIN BOROUGH LIMITS AND FURTHER
PROVIDING FOR PENALTIES FOR VIOLATIONS OF
THIS ORDINANCE.**

WHEREAS, the Council of the Borough of White Oak has an interest in promoting the health, welfare and safety of the residents of the Borough; and

WHEREAS, the Council of the Borough of White Oak is desirous of enacting an Ordinance of the Borough restricting the use of unlicensed motor vehicles within Borough limits, and further providing for penalties for violations of this Ordinance.

NOW, THEREFORE, Council in meeting assembled does hereby ordain and enact as follows:

Article 545 – UNLICENSED MOTOR VEHICLES

Section 545.01 – CERTAIN VEHICLES PROHIBITED

It shall be unlawful for any individual to operate any type of unlicensed motor-driven vehicles or conveyances, including but not limited to snowmobiles, vehicles known as mini-bikes, dirt bikes, trail bikes, motor scooters, four-wheel motor vehicles known as go-carts and multiple wheeled or three-wheeled motorcycles, and all terrain type machines or vehicles under the following conditions:

- (a) On the private property of another without the express written permission of the owner or occupant of the property, which written permission shall be carried on the person of the operator. This prohibition shall prevail whether or not the vehicle or operator is licensed or unlicensed.

- (b) On any public street or public ground located within the Borough.
- (c) To operate the aforesaid unlicensed motor driven vehicles or conveyances, so as to create loud and unnecessary or unusual noises which disturb or interfere with the peace and quiet of the residents of the Borough of White Oak.
- (d) To operate the aforesaid unlicensed motor-vehicles upon private property, earlier than 9:00 a.m. and later than 7:00 p.m.
- (e) To operate the aforesaid motor driven vehicles in a careless, negligent, or reckless manner so as to endanger or be likely to endanger the safety of any property or person, including the operator of said vehicle.
- (f) To operate the aforesaid unlicensed motor driven vehicles or conveyances within a distance of three hundred (300) feet of a residence or occupied or inhabited building or structure.
- (g) To operate the aforesaid unlicensed motor-driven vehicles or conveyances in such a manner as to raise unnecessary dust or dirt. For the purposes of this provision, unnecessary dust or dirt shall mean suspended particle matter visible to the unaided or naked eye from a distance of fifty (50) feet.

Section 545.02 - EXCEPTIONS

- (a) The provisions of the Ordinance shall not apply to police and emergency vehicles.
- (b) The provisions of this Ordinance shall not apply to any motorized wheelchairs or other necessary equipment used to transport individuals as a result of a handicap or medical condition.
- (c) The provisions of this Ordinance shall not apply to any tractors or equipment used for farming, cutting grass or landscaping.

Section 545.03 – IMPOUNDMENT OF VEHICLE

- (a) The Police Department of the Borough of White Oak or any law enforcement officer of the Borough shall confiscate and impound the unlicensed vehicle operated in violation of Section 545.01 of this Ordinance. The unlicensed vehicle shall be returned to the owner thereof upon payment of any fine imposed as a result of the violation of this Ordinance and upon payment of any storage charge incurred as a result of the impoundment.

Section 545.04 – VIOLATIONS AND PENALTIES

- (a) Any person or individual violating any provision of this Ordinance shall, upon conviction thereof be subject to a fine not to exceed six hundred (\$600.00) dollars or imprisonment for a period not to exceed thirty (30) days, or both. Should the owner or operator of any unlicensed vehicle be subject to a second violation of the terms of this Ordinance within a period of six (6) months from the date of the first violation, the Police Department shall impound the vehicle and shall sell the same pursuant to the provisions of the Pennsylvania Motor Vehicle Code pertaining to forfeited vehicles.

Section 545.05 – SEVERABILITY

- (a) 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, section or parts of this Ordinance. It is hereby declared as the intent of the Council of the Borough of White Oak that this Ordinance would have been adopted as if such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

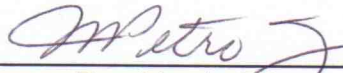
Section 545.06 – REPEALER

- (a) Any Ordinance or parts of Ordinances which are inconsistent herewith are hereby repealed, to the extent they conflict with this Ordinance.

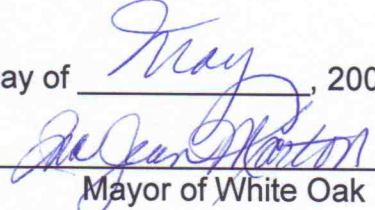
ORDAINED AND ENACTED this 18 day of May, 2009.

Borough of White Oak,

ATTEST: 
Secretary


President of Council

EXAMINED AND APPROVED this 18 day of May, 2009.


Mayor of White Oak

APPROVED AS TO FORM: _____
Solicitor of White Oak