

WINDBER BOROUGH  
ORDINANCE NO. 2025 - 4

AN ORDINANCE OF THE BOROUGH OF **WINDBER**, SOMERSET COUNTY, PENNSYLVANIA, DESIGNATING THE PUBLIC ROADWAYS WITHIN THE BOROUGH OF WINDBER M MIXED-USE RECREATIONAL AND REGISTERED VEHICLE ROADS AND REGULATING THE USE OF RECREATIONAL VEHICLES THEREON.

WHEREAS, the State of Pennsylvania has enacted legislation known as the Snowmobile and All-Terrain Vehicle Law (75 Pa. C.S.A. §7701 et seq.), which authorizes municipalities such as Windber Borough to designate any Highway, Road or Street within its jurisdiction as a Snowmobile Road, an ATV Road or both;

WHEREAS, the Borough Council of the Borough of Windber has determined it is in the best interest of the Borough and necessary and proper for the safety and welfare of the residents and Property Owners of Windber Borough, along with all other users of the roads and streets within the Borough, to designate all Windber Borough owned roads within the Borough as "Joint Use" Roads so as to permit ATV use as defined herein in conjunction with use by other Vehicles requiring Registration as these terms are defined at 75 Pa. C.S.A. §102.

NOW, THEREFORE, the Borough Council of the Borough of Windber hereby ORDAINS AND ENACTS as follows:

ARTICLE I

SHORT TITLE

101. This Ordinance shall hereafter be known and cited as the "**RECREATIONAL VEHICLE ORDINANCE**".

ARTICLE II

PURPOSE

201. The purpose of this Ordinance is to designate all Borough owned Roads within the municipal boundaries of Windber as ATV roads and that use of these roads will be shared with registered vehicular traffic.

ARTICLE III

**DEFINITIONS**

301. The following terms shall have the meaning provided at 75 Pa.C.S.A. §7702 as amended:

- (a) All-Terrain Vehicle or "ATV"
- (b) Department
- (c) Head lamp
- (d) Highway
- (e) Street
- (f) Tail lamp

302. The following terms shall have the meaning provided at 75 Pa.C.S.A. §102

- (a) Motor Vehicle
- (b) Registration
- (c) Traffic
- (d) Trafficway
- (e) Vehicle

303. Additionally, for purposes of this Ordinance, the following additional terms are defined as follows:

(a) "Joint-Use" means shared use of Roads or Streets within the Borough by Recreational Vehicles and a Vehicle or Vehicles requiring Registration.

(b) "Operator" means any person who operates or is in actual physical control of a Recreational Vehicle.

(c) "Owner" means any of the following:

(1) a person who holds the legal title to a Recreational Vehicle;

(2) a vendee or lessee of a Recreational Vehicle, which is the subject of an agreement

for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; and/or

(3) a person renting a Recreational Vehicle or having the exclusive use of a Recreational

Vehicle.

(d) "Operate" means to ride in or on and to be in actual physical control of the operation of a Recreational Vehicle.

(e) "Person" means an individual, partnership, corporation, the State or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.

506. All Recreational Vehicles operated on Borough Roadways shall carry liability insurance. Proof of insurance shall be carried by the operator.

507. In the event of a conflict between any provision of this section and a provision of the Pennsylvania Snowmobile and All-Terrain Vehicle Law, or the Pennsylvania Motor Vehicle Code, the more restrictive provision shall apply.

## ARTICLE VI

### **HOURS OF OPERATION**

601. All Recreational Vehicles may operate on designated roadways between the hours of 6:00am and 11:pm.

602. The only exception to this restriction is operators going to and from there place of employment.

## ARTICLE VII

### **PENALTIES**

701. In addition to any other remedy or penalty available or imposed by law, any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance, which shall be found to have been violated shall constitute a separate offense.

## ARTICLE VIII

### **SEVERABILITY**

801. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, such declaration or decision shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Borough Council of the Borough of Windber that this Ordinance would have been enacted had any such unconstitutional, illegal or invalid provision not been included therein.

## ARTICLE IX

### **REPEALER**

901. Any Ordinances or portions of Ordinances of the Borough which are inconsistent herewith are hereby repealed.

ARTICLE X

GENDER

1001. In the language set forth in this Ordinance, the singular shall include the plural, and the masculine the feminine and/or either gender where appropriate.

ARTICLE XI

EFFECTIVE DATE

1001. This Ordinance shall become effective on the date of enactment hereof

ARTICLE XII

FILING OF ORDINANCE


1101. This Ordinance shall, upon enactment, be properly filed with the Borough records in the official Borough Ordinance Book at the Borough Offices.

ORDAINED AND ENACTED this 13<sup>th</sup>, day of


October 2025, Attest:

BOROUGH OF WINDBER

  
Secretary

  
By: \_\_\_\_\_  
President of Council

EXAMINED AND APPROVED by me this \_\_\_\_\_ day of October 2025  
<sup>th</sup>  
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Mayor