

Section 1: PURPOSE

The purpose of this Ordinance is to control and regulate off-road vehicles, as defined in Section 2, entitled "Definitions," in order to preserve the public peace and order, protect the health, safety and welfare of the general public, and protect the natural resources in our environment in the Township of X.

Section 2: DEFINITIONS

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

Public Highway - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Public Lands - Any and all real property which is owned or controlled by a governmental entity.

Off-Road Vehicle - means a motor vehicle, designed to travel over any terrain, of a type possessing between two and six tires and includes but is not limited to dirt bikes, trail bikes, minibikes, motor scooters, go-carts, all-terrain vehicles, swamp buggies, mopeds, and snowmobiles, and any other motor-driven vehicles which are not authorized to be licensed by the State of New Jersey, Department of Motor Vehicles, for use upon the public highways.

Section 3: OPERATION and USE RESTRICTIONS

A. Public Lands. It shall be unlawful for any person to operate or permit to or suffer to be operated an off-road vehicle, as defined herein, on any public grounds or property, including playgrounds and recreational areas.

Limited Access Highways. No person shall operate an off-road vehicle upon limited-access highways or within the right-of-way limits thereof.

Public Streets or Highways. No person shall operate an off-road vehicle upon the main traveled portion of any public street or highway or within the right-of-way limits thereof except as follows:

- 1) Properly registered off-road vehicles may cross, as directly as possible, public streets or highways, except limited access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction of such public street or highway. Prior to making any such crossing, the operator shall bring the off-road vehicle to a complete stop. It shall be the responsibility of the operator

of the off-road vehicle to yield the right-of-way to all vehicular traffic upon any public street or highway before crossing the same.

2) Wherever it is impracticable to gain immediate access to an area adjacent to a public highway where an off-road vehicle is to be operated, it may be operated adjacent and parallel to such public highway for the purpose of gaining access to the area of operation. This subsection shall apply to the operation of an off-road vehicle from the point where it is unloaded from a motorized conveyance to the area where it is to be operated or from the area where operated to a motorized conveyance when such loading or unloading cannot be effected in the immediate vicinity to the area of operation without causing a hazard to vehicular traffic approaching from either direction on said public highway. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area or operation.

B. Agricultural Purposes: All-terrain vehicles strictly used for agricultural purposes on farmland, roadways, and public and private land, with permission, are exempt from this ordinance. When these vehicles are found operating in a manner not for agricultural purposes, the rider and owner of the vehicle shall be subject to the same restrictions, fines and penalties as set forth in this ordinance.

C. Private Property: All-terrain vehicles/off-road vehicles used on private property with permission from the owner are exempt from this ordinance, except for the written consent requirements below.

D. WRITTEN CONSENT.

1) No person shall operate a motorcycle or off-road vehicle on the property of another without receiving the consent of the owner of the property or the person who has a contractual right to the use of such property.

2) No person shall continue to operate an off-road vehicle on the property of another after consent has been withdrawn.

3) The consent as required by Subsection D (1) and (2) above shall be by the written consent of the owner of the property or the person who has contractual right to the use of such property.

E. HARSH, OBJECTIONABLE or UNREASONABLE NOISE. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle in such manner as to cause a harsh, objectionable or unreasonable noise so as to disturb or interfere with the peace and quiet of other persons.

F. CARELESS, RECKLESS, or NEGLIGENT OPERATION. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle in

a careless, reckless or negligent manner so as to endanger the safety or property of any person.

G. PROTECTIVE HELMETS. It shall be unlawful for any person to operate to permit or suffer to be operated, or to ride as a passenger on, any off-road vehicle without wearing a protective helmet approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of the State of New Jersey. Any such helmet shall be of a type acceptable for use in conjunction with motorcycles as provided in NJSA 39:3-76.7 through NJSA 39:3-76.10.

H. HEADLIGHTS, TAILLIGHTS, BRAKES and MUFFLERS. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle that is not equipped with working headlights, taillights, brakes and proper mufflers as supplied by the motor manufacturer for the particular model without modifications.

I. PURSUIT of WILDLIFE. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle at any time and in any manner intended or reasonably to be expected to harass, drive, injure, or pursue any wildlife.

J. LIGHTED HEADLIGHTS AND TAILLIGHTS. It shall be unlawful for any person to operate or permit to be operated any off-road vehicle without lighted headlights and lighted taillights.

K. RAILROADS. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle upon railroad or right-of-way of an operating railroad, except railroad personnel in the performance of their duties.

L. RULES and REGULATIONS. It shall be unlawful for any person to violate any provision of this chapter or any rule or regulation adopted pursuant to this chapter.

Section 4. AGE REQUIREMENT.

No person under the age of fourteen (14) years shall operate or be permitted to operate any off-road vehicle on public lands or upon a public highway.

Section 5. VIOLATIONS AND PENALTIES.

A. Any police officer may at his discretion:

Impound any off-road vehicle alleged to be operated or permitted or suffered to be operated, in violation of this chapter.

Impound any off-road vehicle operating on the public roadways in violation of any then-applicable State Statute or any Regulation validly promulgated by any State agency having jurisdiction.

The period of any impoundment shall be from the date of the alleged violation until the disposition of the alleged offense by such court of competent jurisdiction as shall hear the same, and the owner thereof shall pay the reasonable cost of said removal and storage constituting impoundment, which cost is as set forth in Chapter X. The expense of impoundment shall be in addition to any other fine or penalty levied or collected under the terms of this chapter.

B. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or at a minimum a fine of One Thousand (\$1000.00) Dollars, or both.

C. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

D. Any person under the age of eighteen (18) years who shall violate any of the provisions of this chapter shall be deemed to be a juvenile delinquent and shall be proceeded against as such.

E. In addition to the penalties described in Section 5.B., if the violation for which an Operator of an

Off-road vehicle has been convicted has caused damage to real or personal property, the Operator so convicted, as well as the registered owner(s) of the vehicle involved, if such vehicle was in the possession of the Operator with the permission of any owner(s), may also be ordered by the Court to pay restitution for the full amount of such damage.

Section 6. VALIDITY

Validity. If any section, subsection, paragraph, clause, phrase or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Chapter as a whole or any part thereof.

Section 7. REPEALER

Repealer. Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Chapter are hereby repealed to the extent of their inconsistency provided, however, that the adoption of this Chapter shall not prevent or bar the continuance or institution of proceedings for offenses heretofore committed in violation of any existing Ordinances of the Township of X or violation of NJSA 39:1-1 et. Seq.

Section 8. EFFECTIVE DATE

Effective Date. This chapter shall take effect immediately upon its final passage, publication and filing with the County Planning Board in the manner prescribed by applicable New Jersey Statutes.