

**AN ORDINANCE OF THE TOWNSHIP OF DEPTFORD AMENDING
CHAPTER THREE OF THE CODE OF THE TOWNSHIP OF DEPTFORD TO
REPEAL SECTION 3.4 MINIBIKES AND ADD NEW SECTION 3.4
MOTORIZED RECREATIONAL VEHICLES**

WHEREAS, it is necessary to amend chapter three of the Code of the Township of Deptford to address the usage of motorized recreational vehicles in the best interest of the safety and repose of the residents of the Township of Deptford;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Deptford that the existing section 3.4 Minibikes subsections 3-4.1 through 3-4.5 shall be repealed and a new section 3.4 shall hereafter be included within the Deptford Township Code, to be known as section 3.4, and entitled "Motorized Recreational Vehicles" to be read as follows:

3-4.1 Purpose

The Township finds that the operation of motorized recreational vehicles has previously been conducted in a manner so as to disturb the peace, quiet and tranquility of others and/or in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of others or the property of others. This section proposes to broaden the definition of a motorized recreational vehicle and to regulate their use.

3-4.2 Definitions

Whenever any words and phrases are used in this chapter, the meaning respectively ascribed to them in N.J.S.A. 39:1-1 shall be deemed to apply to such words and phrases used herein. As used in this chapter, the following terms shall have the meanings indicated: Definitions –

ALL-TERRAIN VEHICLE – a motor-operated vehicle, designed to travel over any terrain, of a type possessing between three and six rubber tires, but shall not include golf carts.

MOTORCYCLE – includes motorcycles, motor bikes, motor scooters, mini bicycles, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type.

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, including conservation areas, utility easements and drainage easements.

SNOWMOBILE – any motor-operated vehicle, designed primarily to travel over ice or snow, of a type which uses sled-type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

3-4.3 Operation and use restrictions

No person shall operate any recreational motorized vehicles, including but not limited to snowmobiles; two-wheel vehicles known as minibikes, trail bikes; motor scooters; three- or four-wheel motor vehicles known as all-terrain vehicles (ATVs) and four-wheel motor vehicles known as go-carts, under the following circumstances:

- A. On the private property of another without the express written permission of the owner or occupant of the property. Within 75 feet from adjoining property owner(s) and within 75 feet of a public street or right of way.
- B. On any public grounds or property, including playgrounds and recreational areas or lands owned by the Township, County, State or any other public entity excluding streets, the use of which is expressly provided for by the New Jersey statutes.
- C. In a manner so as to create loud, unnecessary or unusual noise as to annoy other persons or to disturb or interfere with the peace and quiet of the township. Further no person shall operate a recreational motor vehicle before the hour of 9:00 a.m. and after the hour of 8:00 p.m. prevailing time or sunset, whichever shall first occur.
- D. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any person, including the operator of the vehicle.
- E. No person operating a motor-propelled vehicle shall carry any passenger or passengers therein or thereon unless said vehicle is specifically equipped for the purpose of carrying one or more passengers and no person operating a motor-propelled vehicle shall carry more passengers therein or thereon than such vehicle is specifically equipped to carry.
- F. Protective helmets. It shall be unlawful for any person to operate or to permit to be operated, or to ride as a passenger on, any motorcycle or all-terrain vehicle with out 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 N.J.S.A. 39:3-76.7 through N.J.S.A. 39:3-76.10.

- G. Headlights, taillights, brakes and mufflers. It shall be unlawful for any person to operate or permit to be operated a motorized vehicle or all-terrain 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.
- H. Pursuit of wildlife. It shall be unlawful for any person to operate or permit to be operated a motorized vehicle or all-terrain vehicle at any time and in any manner intended or reasonably to be expected to harass, drive or pursue any wildlife.
- I. Lighted headlights and taillights. It shall be unlawful for any person to operate or permit to be operated a motorized vehicle or all-terrain vehicle without lighted headlights and lighted taillights.
- J. Railroads. It shall be unlawful for any person to operate or permit to be operated a motorized vehicle or all-terrain vehicle upon railroad or right-of-way of an operating railroad, except railroad personnel in the performance of their duties.
- K. 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.

3-4.4 - Violations by minors

Any person under the age of 18 years who shall violate any of the provisions of this chapter shall be subject to the adjudication and disposition provisions of N.J.S.A. 2A:4-42 et seq. Further, any parent, guardian or any person having the care, custody and control of any child under the age of 18 years, who shall knowingly permit such child to operate a recreational motor vehicle shall be in violation of this chapter.

3-4.5 Compliance with State Statutes

Any motor vehicle, as defined under this ordinance , operated within the Township shall comply with all relevant provisions of N.J.S.A. 39:3C-1 et seq., including but not limited to, the registration provisions contained in N.J.S.A. 39:3C-3 and the unlawful act regulations contained in N.J.S.A. 39:3C-19.

3-4.6 Impoundment

- A. Any police officer enforcing this chapter may impound any motor-driven vehicle operated on public or private property if the said vehicle cannot be legally driven upon the public roadways of this state.
- B. In cases involving persons under the age of 18 years of age, the vehicle may be returned to the operator's parent or legal guardian upon payment of all costs and fees associated with the impoundment, which may include, but not be limited to, storage fees. In the case of an unregistered vehicle, the vehicle shall be released from

impoundment upon proof that the vehicle has been properly registered and insured under the New Jersey statutes and upon payment of all fees and costs incurred in the impoundment, including, but not limited to, storage fees. In the case of the vehicle being unable to be registered and insured in this state and if the person(s) is under the age of 18 years old, then the vehicle may be returned to his/her parent or guardian upon payment of all fees and costs incurred in the impoundment, including, but not limited to, storage fees. The return of impounded vehicles are subject to adjudication process of the municipal court

- C. In the event that the impounded vehicle is unable to be driven legally upon the roadways of this state (i.e., all-terrain vehicles, dirt bikes and such), the vehicle must be removed from the impound by either towing or carting.

3-4.6 - Exclusions

Nothing in this Ordinance shall prevent acceptable agricultural management practices as set forth in the Township's Right to Farm Ordinance.

3-4.7 - Violations and penalties

Violations of this chapter shall be subject to the penalties set forth in Chapter One Section 1-5 General Penalty.

All Ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

This Ordinance shall take effect after the final passage and publication in accordance with the Law.

TOWNSHIP OF DEPTFORD

PAUL MEDANY, MAYOR

ATTEST:

DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of the Township of Deptford held on the 6th day of August, 2007, and will be considered for final passage and adoption at a meeting at which time any person interested therein will be given an opportunity to be heard, said meeting held on the 10th day of September, 2007 at the Municipal Building, 1011 Cooper Street, Deptford, NJ 08096 at 7:00 p.m.

DINA L. ZAWADSKI, TOWNSHIP CLERK