

ORDINANCE 2023-20

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, CUMBERLAND COUNTY, AMENDING AND SUPPLEMENTING CHAPTER 334, TITLED VEHICLES, OFF-ROAD, IN ORDER TO ESTABLISH COMPREHENSIVE REGULATIONS DESIGNED TO CURB THE ILLEGAL USE OF ATVS AND OTHER OFF-ROAD VEHICLES ON PUBLIC STREETS AND ROADS

WHEREAS, the Township Committee of the Township of Hopewell finds that the operation of certain All-Terrain Vehicles ("ATVs"), including dirt bikes, off-road motorcycles, three and four wheelers, side-by-sides and other Utility-Terrain Vehicles ("UTVs"), collectively referred to as "Off-Road Vehicles," on a public street, highway or right of way in violation of N.J.S.A. 39:3C-17, to be an immediate threat to the public health, safety or welfare of the citizens of the Township and has designated such vehicles as contraband and subject to forfeiture in accordance with N.J.S.A. 2C:64-1 et seq.; and

WHEREAS, such illegally operated vehicles need fuel to function and many times are illegally operated to public fueling stations where fuel is purchased and dispensed; and

WHEREAS, it is incumbent upon gas stations to refuse the sale and dispensing of gasoline, or other types of fuel, to illegal and illegally operated vehicles contrary to N.J.S.A. 39:3C-17, as the same are deemed to be contraband and to knowingly assist in the operation of such vehicles by providing fuel therefore is to be implicit in such violation; and

WHEREAS, the Township Committee finds it to be in the best interest of the Township to prohibit the sale and dispensing of fuel into the fuel tank of an all-terrain vehicle or dirt bike which is in violation of N.J.S.A. 39:3C-17 and driven to such fueling station under its own power, which will assist in reducing the illegal operation of all-terrain vehicles and dirt bikes upon public streets, roads and rights-of-way; and

WHEREAS, this Ordinance is being established to provide a comprehensive scheme of regulations designed to curb the illegal use of ATVs and other off-road vehicles on public streets and roads; and

WHEREAS, on December 16, 2021 the New Jersey Legislature adopted S4080 amending N.J.S.A. 39:3C-35; and

WHEREAS, the amendments to N.J.S.A. 39:3C-35 authorize a municipality to declare, by Ordinance, that an all-terrain vehicle or dirt bike operated on a public street, highway, or right of way in violation of N.J.S.A. 39:3C-17 poses an immediate threat to

the public health, safety or welfare and designate such all-terrain vehicles or dirt bikes operated in such a manner contraband subjected to forfeiture in accordance with N.J.S.A. 2C:64-1 *et. seq.*, and that an all-terrain vehicle or dirt bike forfeited under this section shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or, at the discretion of the entity funding the prosecuting agency involved, may be destroyed; and

WHEREAS, pursuant to N.J.S.A. 40:48-2 a municipality is empowered to adopt Ordinances for the public health, safety and welfare of the municipality and its residents; and

WHEREAS, the Township Committee of the Township Hopewell believes it to be in the best interest of the Township’s residents to implement the provisions Senate Bill 4080 and declare illegally operated all-terrain vehicles and dirt bikes a threat to the public’s health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell as follows:

SECTION ONE: DEFINITIONS

All-Terrain Vehicle (ATV): A motorized vehicle designed to travel on lower-pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control. ATVs are typically designed for single riders and may have three or more wheels.

Dirt Bike: A lightweight, single-rider motorcycle designed for off-road use, characterized by its knobby tires, lightweight frame, and minimalistic design, typically not intended for public road use.

Four-Wheeler: A colloquial term often used to refer to certain ATVs, indicating the presence of four wheels. For the purposes of this ordinance, it encompasses vehicles similar to ATVs with four wheels.

Off-Road Vehicle: A motorized vehicle that is specifically designed and equipped for operation on unpaved surfaces and off-road terrain, including but not limited to dirt trails, sand dunes, gravel paths, rocky landscapes, and other natural terrains. ORVs are distinguished by their ability to traverse rugged and uneven terrain and typically exhibit features such as sturdy suspension systems, robust tires with deep treads, and may include certain motorcycles, All-Terrain Vehicles (ATVs), Utility Task Vehicles (UTVs), dirt bikes, side-by-sides, four-wheelers, dune buggies, and similar recreational or utility vehicles designed for off-road use.

Side-by-Side: A type of UTV designed to carry multiple passengers, often with seating arranged side-by-side, and typically used for recreational off-road activities or light utility purposes.

Three-Wheeler: A colloquial term often used to refer to ATVs, indicating the presence of three wheels. For the purposes of this ordinance, it encompasses vehicles similar to ATVs with three wheels.

Utility Task Vehicle (UTV): A motorized vehicle designed to transport passengers and/or cargo, with a seat or bench seat for the operator and passengers, a steering wheel for control, and a maximum width not exceeding 74 inches. UTVs may have four or more wheels.

SECTION TWO: ALL-TERRAIN AND OFF-ROAD VEHICLE REGULATIONS

A. Prohibited Operation and Forfeiture

It shall be unlawful and pose an immediate threat to the public health, safety and welfare of the residents of the Township of Hopewell for any person to operate any off-road vehicle, as defined above, upon any public street, highway or right-of-way located within the Township in violation of N.J.S.A. 39:3C-17. Any off-road vehicle, which is operated in a manner that violates this Section shall be deemed contraband subjected to forfeiture in accordance with N.J.S.A. 2C:64-1 et. seq., and shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or, at the discretion of the entity funding the prosecuting agency involved, may be destroyed.

B. Prohibition on Dispensing Gasoline or Fuel

Public gas stations, which are located within Township limits, shall be prohibited from selling and dispensing gasoline, or any other type of fuel, into the tank of an all-terrain vehicle or dirt bike which is in violation of N.J.S.A. 39:3C-17 and driven to such fueling station under its own power, and shall be subject to such penalties as set forth in Section 1-11 of the Code of the Township of Hopewell.

It shall be a rebuttable presumption that an all-terrain vehicle or dirt bike, that is driven to a fueling station and is untagged, is in violation of N.J.S.A. 39:3C-17 and therefore shall be refused fuel.

SECTION THREE:

Should any provisions of this Ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the Ordinance, and the provisions

and sections of the Ordinance are hereby declared to be severable with respect to their validity.

SECTION FOUR:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

TOWNSHIP OF HOPEWELL

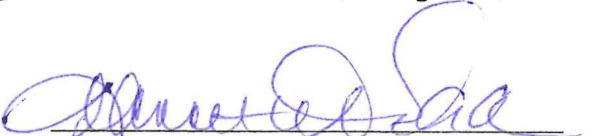

Paul Ritter III, Mayor

Roll Call Vote Introduction:

	MOVED	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Kelsey Bayzick		X	X				
Robin Freitag			X				
David Miller			X				
Tom Tedesco	X		X				
Paul J. Ritter, III			X				

Certification

PLEASE TAKE NOTICE THAT the within Ordinance passed on 1st reading on October 19, 2023 by the governing body of the Township of Hopewell, Cumberland County and was set for a public discussion on November 9, 2023 at the Hopewell Township Committee regular meeting held at 590 Shiloh Pike, Bridgeton, New Jersey.

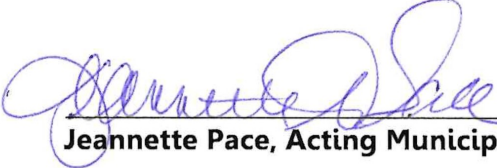

Jeannette Pace, Acting Municipal Clerk

Roll Call Vote Adoption:

	MOVED	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Kelsey Bayzick	x		x				
Robin Freitag			x				
David Miller			x				
Tom Tedesco		x	x				
Paul J. Ritter, III							x

Certification

PLEASE TAKE NOTICE THAT the within Ordinance passed on 1st reading on October 19, 2023 and was adopted after 2nd reading and public hearing on November 9, 2023 by the governing body of the Township of Hopewell, Cumberland County at the Hopewell Township Committee regular meeting held at 590 Shiloh Pike, Bridgeton, New Jersey.


Jeannette Pace, Acting Municipal Clerk

First reading date: October 19, 2023

Publication of Public Hearing: October 24, 2023

Public Hearing and Final adoption: November 9, 2023

Publication of Final Adoption: 11/15/23