

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON AMENDING
THE CODE OF THE TOWNSHIP OF SOUTH HARRISON TO AMEND
CHAPTER 140 ENTITLED "VEHICLES – OFF-ROAD"**

WHEREAS, the Township Committee of the Township of South Harrison has determined that it is important to the residents of the Township of South Harrison that regulations governing off-road vehicles within the limits of the Township be amended, and

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of South Harrison, County of Gloucester, State of New Jersey that the Township Code hereby amended Chapter 140 entitled "Vehicles, Off-Road". Which shall read as follows:

§140.2. Restrictions on use of off-the-road vehicles.

- C. On the private property of another without the express, written permission of the owner or occupant of the property, within 100 feet from adjoining property owner(s) and within 75 feet of a public street or right-of-way.
- D. On any public grounds or property, including playgrounds and recreational areas or lands owned by the Township, excluding streets, the use of which is expressly provided for by the New Jersey statutes.
- E. In a manner so as to create loud, unnecessary or unusual noise so 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. Further, no person shall cause dust to be created which disturbs the peace and repose of neighbors, causes property damage to neighboring homes and creates traffic hazard to passing motorists.
- F. 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.
- G. 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.
- H. (Reserved)
- I. 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 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 N.J.S.A. 39:3-76.7 through N.J.S.A. 39:3-76.10.

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

§140.7 Violation 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:4-21. 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.

§140.8. Compliance with state statutes.

Any motor vehicle, as defined under §140-2, 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.

§140.9. Impoundment.

- A. Any police officer enforcing this chapter may impound any motor-driven vehicle operated on public or private property if the vehicle cannot be legally driven upon the public roadways of this state.
- B. In cases involving persons under the age of 17 years old, 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 guardian.
- 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 impound by either towing or carting.

§140.10. Exclusions.

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

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

TOWNSHIP OF SOUTH HARRISON:

Charles Tyson, Mayor

ATTEST:

Nancy E. Kearns, RMC
Municipal Clerk

CERTIFICATION

This Ordinance was introduced and passed on first reading at a regular meeting at the South Harrison Township Committee held on the 11th day of June, 2008. The second reading and public hearing shall be held on the 9th day of July, 2008 at 7:30 p.m. at a regular meeting held at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

NOTICE

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NOTICE is hereby given that the foregoing Ordinance O-08-09 was finally adopted at a meeting of the South Harrison Township Committee held on the 9th day of July 2008 at 7:30 pm in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk