

Buena Vista Township Ordinance No. 14-1997 All-Terrain Vehicles

Section 1: Purpose

The purpose of this Ordinance is to control and regulate motorcycles, dirt bikes and all-terrain vehicles, as defined in N.J.S.A. 39:11 et. Seq. and N.J.S.A. 39:3C-1 et. Seq., in order to preserve the public peace and order and protect the health, safety and welfare of the general public of the Township of Buena Vista.

Section 2: Definitions

A. 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.

B. 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.

Motorcycle. - includes motorcycles; motor bikes; bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

All-Terrain Vehicle. - means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six rubber tires and powered by gasoline engine not exceeding 700 cubic centimeters, but shall not include golf carts.

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 a motorcycle, dirt bike or an all-terrain vehicle, as defined herein, on any public grounds or property, including playgrounds and recreational areas.

It shall be unlawful for any person to operate or permit to suffer to be operated a motorcycle on public grounds or property (including playgrounds and recreational areas) except on public streets or highways as defined in N.J.S.A. 39:1-1 and public parking areas.

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

C. Public Streets or Highways. No person shall operate an all-terrain 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 all-terrain 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 all-terrain vehicle to a complete stop. It shall be the responsibility of the operator of the all-terrain vehicle to yield the right-of-way to all vehicular traffic upon any public street or highway before crossing the same.

2) Whenever it is impracticable to gain immediate access to an area adjacent to a public highway where an all-terrain 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 all-terrain 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 of operation.

D. Written Consent.

1) No person shall operate a motorcycle or all-terrain 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 a motorcycle or all-terrain 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 a motorcycle or all-terrain 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 a motorcycle or all-terrain 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 or permit or suffer 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. 39:3-7.6 through N.J.S.A. 39:3-7.6.10.

H. Headlights, taillights, Brakes and Mufflers. It shall be unlawful for any person to operate or permit or suffer to be operated an 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.

I. Pursuit or Wildlife. It shall be unlawful for any person to operate or permit or suffer 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 any all-terrain 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 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.

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: Impoundment; Duration; Cost.

A. Any police officer shall impound any ATV operated on public property alleged to be in violation of this Chapter, either by virtue of its operation and use contrary to the provisions of this chapter or by virtue of its operation by an unlicensed operator.

B. Said period of 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. The police or their designee may authorize early release upon the payment of the removal and storage costs. Said expense of impoundment shall be in addition to any other fine or penalty levied or collected under the terms of this chapter.

Section 5: Age Requirement.

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

Section 6: Violations and penalties.

A. Any person who shall violate any provisions of this chapter or any rule or regulation promulgated pursuant to this chapter shall be punished by a fine of not more than \$1000 for the first offense and not more than \$2000 for any subsequent offense in the discretion of the court.

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

C. 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.

Section 7: Validity

If any section, sentence or any part of this ordinance is unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the ordinance, but shall be confined in its effect to the section, sentence or other part of this ordinance directly involved in the controversy in which judgment shall have been rendered.

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 8: Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby as to such inconsistency only.

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 Buena Vista or violation of N.J.S.A. 39:1-1 et. Seq.

Section 9: Effective Date

Effective Date. This ordinance shall take effect immediately after final passage and publication as required by law. Any ordinances inconsistent with this ordinance are hereby repealed.

*Ordinance 14-97
As Amended by 22-2007
Adopted November 26, 2007*

* ATV SAFETY ALERT *

The Consumer Product Safety Commission reported all-terrain vehicles (ATVs) may present a risk of death or severe injury. An ATV is not a toy and can be hazardous to operate. It's different from cars and motorcycles. If you fail to use precautions, a collision or rollover can occur quickly, even during routine maneuvers including turning and driving on hills and over obstacles.

To avoid death or severe personal injury:

- ✓ **Always** read the owner's manual carefully and follow the operating procedures described. Pay special attention to the warnings contained in the manual and on all labels.
- ✓ **Never** operate an ATV without proper instruction. **Take a training course.** For drivers under 18 years, a training course is required.
- ✓ **Always** follow this age recommendation: -- A child under 16 years old should never operate an ATV with an engine size greater than 90 cc.
- ✓ **Never** allow a child under 16 years old to operate an ATV without adult supervision. Children need to be observed carefully because not all children have the strength, size, skills or judgment needed to operate an ATV safely.
- ✓ **Never** carry a passenger on an ATV. Carrying a passenger may upset the balance of the ATV and may cause it to go out of control.
- ✓ **Never** operate an ATV on pavement. The vehicle is not designed to be used on paved surfaces and may be difficult to control.
- ✓ **Never** operate an ATV on a public road, even a dirt or gravel one, because you may not be able to avoid colliding with other vehicles. Also, operating an ATV on a public road may be against the law.
- ✓ **Never** operate an ATV without an approved motorcycle helmet, eye protection, boots, gloves, long pants and a long-sleeved shirt or jacket.
- ✓ **Never** consume alcohol or drugs before or while operating an ATV.
- ✓ **Never** operate an ATV at excessive speeds. Go at a speed that is proper for the terrain, visibility conditions and your experience.
- ✓ **Never** attempt to do wheelies, jumps or other stunts.
- ✓ **Always** be careful when operating an ATV, especially when approaching hills, turns, and obstacles and when operating on unfamiliar or rough terrain.

- ✓ **Never** lend your ATV to anyone who has not taken a training course or has not been driving an ATV for at least a year.

*Excerpted from the NJ ATV Safety Training Manual

**24-Hour Telephone
Information and Assistance
General Customer Information**

1-609-292-6500

For License Suspensions and Restorations

1-609-292-7500

Customer service representatives are available from 8:30

am to 4:30 pm

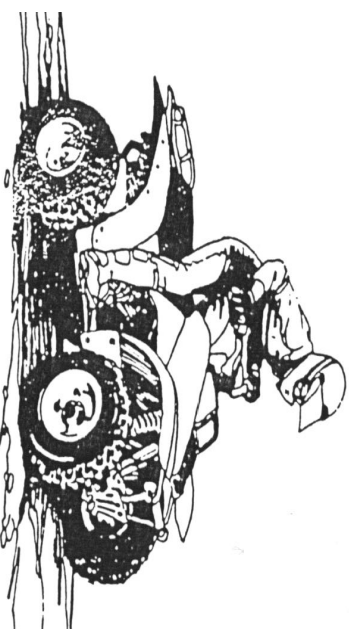
Monday through Friday*

*Detailed recorded information is available after those hours, seven days a week, including holidays.



Buena Vista Township has requested the State Police to enforce our local ordinance and the rules that are established for your safety and the safety of others.

ALL-TERRAIN VEHICLE LAW OF THE LAND



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BUENA, NJ 08310

856-697-2100

609-561-5650

856-697-8651 (FAX)



IMPORTANT INFORMATION
ENCLOSED