

**BOROUGH OF OLD TAPPAN
ORDINANCE NO. 717-00**

**AN ORDINANCE SUPPLEMENTING CHAPTER III
“GENERAL POLICE REGULATIONS” OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF OLD
TAPPAN TO REGULATE OFF-ROAD MOTOR VEHICLES**

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan, County of Bergen, State of New Jersey, as follows:

Section 1. Chapter 3 “General Police Regulations” of the Revised General Ordinances of the Borough of Old Tappan is hereby supplemented by the addition of the following:

3-15 Motorized Vehicles, Off-Road

3-15.1 *Purpose.* The purpose of this chapter is to control and regulate off-road motor vehicles within the Borough in order to preserve the public peace and order and protect the health, safety and welfare of the general public of the Borough.

3-15.2 *Definitions.* For the purpose of this section:

Motorcycle. Any two-wheeled, motor-propelled apparatus licensed by the State of New Jersey, Department of Motor Vehicles, for operation upon the public highways.

Motorized Sportbike.

a. Any two, three or four-wheeled bicycle or similar apparatus motor-propelled or having a helper motor and commonly referred to, among other designations, as a “moped,” “minibike,” “go-cart”, “all-terrain vehicle,” “trail bike,” or the like which, by its nature, is not authorized to be licensed by the State of New Jersey, Department of Motor Vehicles, for use upon the public highways, notwithstanding the fact that licensing of the same in some instances may not be required for operation upon the public highways.

b. A snowmobile and any similar sport vehicle which is motor-propelled and traverses the terrain by means of treads, tracks or the like, all as contrasted to wheels.

Private Property. All lands in the Borough not defined as public property or part of the road system.

Public Property. Lands owned or leased by the Borough, the County of Bergen, the State of New Jersey, the Board of Education of the Borough, or any other equivalent public body, but specifically excluding therefrom any roadways being used for public transportation and being part of the accepted road system of the Borough, the County, or the State.

Unlicensed Operator. The operator of any motor vehicle who does not hold a special license permitting the operation of a motorcycle on the public highways or the operator of any motorized sportbike who is in violation of §3-15.3(b) of this section.

3-15.3 *Prohibited Acts.* It shall be unlawful:

a. To operate a motorized sportbike or motorcycle, as a licensed or unlicensed operator, on private property other than with the written consent of all of the owners of said property. When such written consent has been obtained, the operator shall keep the same on his person for display to the authorities. The failure to present such written consent upon request or demand shall constitute a violation hereunder.

b. To operate a motorized sportbike or motorcycle on public or private property other than in accordance with the general regulations set forth in §3-15.4 of this section.

c. To operate a motorized sportbike or motorcycle on public or private property in such a way as to harass or disturb farm animals, domestic livestock or wildlife or further to destroy or damage crops, cropland, soils or vegetation.

d. To operate a motorized sportbike or motorcycle on public or private property without the same being in “proper operating condition,” which is hereby defined as the presence of all original operating equipment specified therefor by the original manufacturer or with the same in operating condition at least equal to the manufacturer’s requirements for the proper operation thereof or the equivalent thereof.

e. To operate a motorized sportbike or motorcycle on public or private property in a careless, reckless or negligent manner so as to endanger the safety or property of any person or public or private property, or in violation of the provisions of the borough’s noise ordinance, section 3-3 herein.

3-15.4 *General Regulations.* The following regulations shall apply to the operation of a motorized sportbike or motorcycle operated on public or private property, other than the property of the family of which the operator is a member:

a. No person operating a motorized sportbike or motorcycle shall carry any other person, except in a place designated therefor and equipped therefor as part of the original manufacture for said purpose and in no event shall a rider be carried on the handlebar thereof.

b. It shall not be unlawful for any public employee or other party with an appropriate permit to operate motor vehicles in said locations for the purpose of maintaining, repairing or doing work upon said lands for the public good.

c. This section shall not be applicable to any recognized organization which has obtained permission from the Borough to use said lands for the sole purpose of holding organized and supervised rallies, races and/or meets.

d. It shall be unlawful for any person to operate any vehicle equipped with a muffler cutout, muffler bypass or similar device.

3-15.5 Impoundment; Duration; Cost. Any police officer may, at his or her discretion:

a. Impound any motorized sportbike or motorcycle operated on public or private property alleged to be in violation of this section, either by virtue of its operation and use contrary to the provisions of this section or by virtue of its operation by an unlicensed operator.

b. Impound any motorized sportbike or motorcycle operating on the public roadways in violation of any then-applicable State statute or any regulation validly promulgated by any State agency having jurisdiction.

c. 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, which cost is as set forth in §3-12.5 hereof. The Chief of Police or his designee may authorize early release. Said expense of impoundment shall be in addition to any other fine or penalty levied or collected under the terms of this section.

3-15.6 Violations and Penalties.

a. Any person violating or failing to comply with any of the provisions of this section shall, upon conviction thereof, be punishable by a fine or not less than \$100.00 nor more than \$1,000.00, by imprisonment for a term not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

b. In addition to all other penalties, the violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.