

**TOWNSHIP OF DENNIS**

**COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2012-09**

**AN ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF THE  
TOWNSHIP OF DENNIS**

(Creating Certain Restrictions and Penalties Related to  
the Operation of All Terrain Vehicles)

**Section 1. Preamble**

**WHEREAS**, over the course of the past several years, certain complaints have been made with regard to the alleged unlawful or disturbing operation of all terrain vehicles within the Township of Dennis; and

**WHEREAS**, in or about 2010, an informal committee was apparently created becoming known as the Dennis Township ATV Subcommittee; and

**WHEREAS**, while several meetings have been conducted since that time with input from interested parties, no formal action has been taken by the Township; and

**WHEREAS**, the Township Committee is desirous of providing a mechanism for New Jersey State Police enforcement or private citizen complaint to address certain operations of all terrain vehicle within the Township;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Dennis in the County of Cape May and State of New Jersey, as follows:

**Section 2.**

**ARTICLE II  
ALL TERRAIN VEHICLES**

**§ 130-6. Purpose.**

The purpose of this chapter is to control and regulate all-terrain vehicles, as defined in N.J.S.A. 39:1-1 et seq. and 39:3C-1 et seq., upon public roadways or public property and certain private property, in order to preserve the public peace and order and protect the health, safety and welfare of the general public of the Township of Dennis. This section shall be in addition to and supplementary of all other applicable ordinances.

**§ 130-7. Definitions.**

- A.** Whenever any words and phrases are used in this chapter, the meanings 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:

**ALL-TERRAIN VEHICLE**

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

**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 that is owned or controlled by a governmental entity.

**§130-8. Operation and use restrictions.**

- A.** Public lands. It shall be unlawful for any person to operate or permit to or suffer to be operated an all-terrain vehicle, as defined herein, on any public grounds or property, including playgrounds and recreational areas, except as limited in accordance with law 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

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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) Wherever 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. Consent required on certain public and private property.**

- (1) No person shall operate an all-terrain vehicle on any public property or 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. This provision shall not apply to non-owner family members of the owner. Such operators shall provide to any law enforcement member the name, address and telephone number of such owner who has granted consent and shall be allowed to engage in further operation upon any such property only after such consent has been confirmed by such law enforcement member.
- (2) No person shall continue to operate an all-terrain vehicle on public property or the property of another after consent has been denied or withdrawn.

**E. Careless, reckless or negligent operation.** It shall be unlawful for any person to operate or permit or suffer to be operated an all-terrain vehicle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any person.

**F. Protective helmets.** Any person operating such vehicles upon any public roadway or property shall wear a protective helmet approved by the Director of

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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 s as provided in N.J.S.A. 39:3-76.7 through 39:3-76.10.

- G.** 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 upon the public roadways or public lands that is not equipped with working headlights, taillights, brakes and proper mufflers as supplied by the motor manufacturer or subsequently installed for the particular model without modifications.
- H.** Rules and regulations. The Township Committee may, from time to time, adopt certain rules and regulations applicable to the use of such vehicles upon public property, which shall not be contrary to the contents of this ordinance. It shall be unlawful for any person to violate any provision of this chapter or any rule or regulation adopted pursuant to this chapter.

**§130-9. Violations and penalties.**

- A.** Any person who shall violate any provision of this chapter or any rule or regulation promulgated pursuant to this chapter shall be punished by a fine of not more than \$1,000 for the first offense and not more than \$2,000 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 18 years who shall violate any of the provisions of this chapter shall be subject to process as a juvenile and referred to the New Jersey Superior Court for adjudication.

**Section 2.** This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

**Section 3.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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**Section 4.** All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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Eugene L. Glembocki, Mayor

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Brian W. Teefy, Deputy Mayor

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John Murphy, Committee Member

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Albert M. DiCicco, Committee Member

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Frank L. Germanio, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on August 06, 2012. Publication will be held on August 15, 2012 and a Public Hearing will be held at a meeting of the said Township Committee to be held on September 04, 2012 at 7:00 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

**ATTEST** \_\_\_\_\_  
**Jacqueline B. Justice, RMC/Clerk**