

ORDINANCE NO. 1203

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING CHAPTER 337, OFF ROAD VEHICLES, IN THE CODE OF THE BOROUGH OF BARRINGTON

BE IT ORDAINED by the Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey that Chapter 337, Off Road Vehicles, is hereby added to the Code of the Borough of Barrington, as follows:

ARTICLE I. SECTION 337-1. Definitions.

For the purposes of this Ordinance, the following words and terms shall have the meanings set forth below:

OFF-ROAD VEHICLES

A. Motor-propelled vehicles designed to travel on any number of wheels in contact with the ground or pavement with a seat or saddle for a rider (hereinafter "ORV") and commonly known as all-terrain vehicles ("ATV"), trail and/or dirt bikes, minibikes, go-carts, pocket bikes or snowmobiles, and insofar defined by N.J.S.A. 39:3C-1 are incorporated herein.

B. Not included within this chapter's classification of an ORV are: 1) lawn mowers, 2) tractors, 3) residential farming, lawn, or garden equipment, 4) commercial agricultural or farming equipment, and 5) vehicles not currently licensed for use on the public streets, roads or highways of the State of New Jersey that display a registration plate under the provisions of Title 39 of the Revised Statutes of New Jersey ("Motor Vehicle Act").

PUBLIC PROPERTY

All land owned, operated, managed, maintained, leased, or otherwise under the jurisdiction of the Borough of Barrington or the Borough of Barrington Board of Education or other municipal corporate body politic.

ARTICLE II. SECTION 337-2. Operation.

A. Operating an ORV on any public property within the Borough of Barrington may only occur under the following circumstances:

- (1) The operator is fully dismounted and utilizing human power to propel the ORV; or
- (2) The Motor Vehicle Act or any other governing law authorizes operation; or
- (3) The Borough of Barrington expressly granted permission in writing prior to operation.

B. Unless expressly permitted by Chapter 337-2(A), no person shall operate, or allow, permit, or suffer another to operate, an ORV on any sidewalk, footpath, footbridge, bridle path, bicycle path, lawn, wooded area, park, playground, or any other public property within the Borough of Barrington.

C. Operation of an ORV is permitted within the Borough of Barrington during transit to,

or in the performance of:

- (1) Agricultural/farm activities, gardening, yard work and for snow removal;
- (2) Within 450 feet of an occupied dwelling of another in a manner while emitting

or discharging:

- (a) Unreasonably loud, disturbing, and/or unnecessary noise as defined by Chapter 230 of the Code of the Borough of Barrington;
- (b) Smoke, dirt, dust or any other obnoxious matter or fume; or
- (c) Any other nuisance interfering with the peaceful use and enjoyment of adjoining residential, public, or private institutional uses.

D. No ORV may operate between the hours of 7:00 p.m. and 7:00 a.m.

ARTICLE III. SECTION 337-3. Minors.

A. Minors under 14 years shall not operate any ORVs on public property or across a public highway.

B. The owner of, or person possessing custody or control over, an ORV shall not permit, allow, or enable a minor to operate the ORV in a manner violative of any section of this chapter.

C. A rebuttable presumption that a minor's parent or legal guardian enabled each violative operation by the minor shall apply to all such violations.

ARTICLE IV. SECTION 337-4. Written authorization required on property of another.

A. Written authorization shall be obtained from a private property owner prior to the operation of an ORV on such private property by any non-owner, tenant, or otherwise lawful occupant at least 18 years of age.

B. A property owner, tenant, or otherwise lawful occupant at least 18 years of age shall be present at all times during the operation of an ORV by another so authorized by Chapter 337-4(A).

C. The written authorization required by Chapter 337-4(A) shall include each of the following:

- (1) The name, date of birth, and home address of the authorized ORV operator;
- (2) The ORV make, model, year, color, and any other identifying characteristics enabling its verification;
- (3) A statement, under oath before a notary public of the State of Jersey, by a grantor specifying the basis for his or her authority to permit the use of an ORV on a particular property such as being an owner, tenant or otherwise legal occupant;
- (4) The date(s) of use an ORV is authorized to operate on the property;

D. A written authorization that does not include all of the provisions set forth in Chapter 337-4C(1) through (3) shall be deemed an invalid authorization under this chapter and deemed ineffective, null and void.

E. The operation of an ORV pursuant to an invalid authorization is not permitted, violative of this Chapter, and subject to the penalties set forth in Chapter 337-9.

ARTICLE V. SECTION 337-5. Responsibility of ORV owners.

The owner of an ORV shall be responsible for violations of any section of this chapter by another while operating an ORV owned by said owner.

ARTICLE VI. SECTION 337-6. Equipment and safety standards.

A. An ORV operated within the Borough of Barrington shall conform to the applicable standards required by the State of New Jersey for a particular ORV.

B. ORVs shall be equipped with a factory-installed or functionally equivalent muffler in good working order and in constant operation. Two-cycle engine ORVs shall be equipped with muffler/spark arrester.

C. A pocket bike operator shall:

- (1) Be at least 12 years of age; and
- (2) Possess and maintain insurance as required by law; and
- (3) Wear a helmet at all times during operation.

D. An ATV or dirt bike operator shall:

- (1) Be at least 14 years of age; and
- (2) Possess and maintain liability insurance as required by law; and
- (3) Wear a helmet at all times during operation; and
- (4) Be restricted to off-road use only; and
- (5) If under 18 years of age, a minor shall not operate any ATV or dirt bike with an engine capacity greater than 90 ccs during training or while on public lands or to cross a public roadway.

E. All ORVs within the Borough of Barrington shall be subject to inspection to verify compliance with this Chapter.

ARTICLE XII. SECTION 337-7 Removal and Impoundment

An ORV operated while trespassing on the property of another may be secured for removal and/or impounded by the designated Borough official. The expense of the impoundment shall be borne by the ORV owner. The owner may not redeem the ORV until such expenses are paid in full.

ARTICLE VIII. SECTION 337-8. Violations; penalties

A. Any person who violates any of the provisions of this Chapter shall, upon conviction thereof, be liable for penalties or any combination thereof as set forth in Chapter 1-1 of the Code of the Borough of Barrington, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Fines under this Chapter shall be imposed in the following fashion:

- (1) For the first offense, the fine shall not be less than \$100.00; and
- (2) For the second offense, the fine shall not be less than \$250.00; and
- (3) For the third and subsequent offense(s), a fine of not less than \$500.00, and impoundment of the ORV for a period of not less than thirty (30) days, with the expense of the

impoundment being borne by the ORV owner, who may not redeem the ORV until such expense is paid in full.

B. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Section

C. In the discretion of the Judge of the Municipal Court, a verbal warning, in lieu of the penalties set forth in Chapter 337-8, may be issued for a first violation of any section of this Chapter, with a copy of this Chapter being served upon both the minor and his/her parent or legal guardian.

ARTICLE IX. Severability

To the extent that any part or parts of this article are repealed or otherwise modified or voided by state statute or case law, the remaining portions or sections of this article shall remain in full force and effect. If any section, sentence, or any part of this article is adjudged, unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this article, but shall be confined in its effect to the section, sentence or other part of this article directly involved in the controversy in which judgment shall have been rendered.

ARTICLE X.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XI.

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

BOROUGH OF BARRINGTON

Date of Introduction: February 11, 2025

Date of Adoption:

By: _____
Kyle Hanson, Mayor

Attest: _____
Terry Shannon, Borough Clerk

The foregoing ordinance was introduced by Borough Council at a meeting held on February 11, 2025. This Ordinance will be considered for adoption on final reading and public hearing to be held on March 11, 2025 at 6:00 p.m. in the Council Meeting Room, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is for the regulation of Off-Road Vehicles in the Borough of Barrington. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 5:00 PM, Mondays through Thursdays (Legal Holidays excluded), and between the hours of 9:00 AM to 12:00 PM on Fridays (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.