

**TOWNSHIP OF LONG HILL
ORDINANCE 510-23
CONCERNING OFF-ROAD VEHICLES AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF
THE TOWNSHIP CODE ENTITLED "POLICE REGULATIONS"**

STATEMENT OF PURPOSE: To regulate off-road vehicles and thereby preserve the peace and quiet of residential neighborhoods.

WHEREAS, the governing body has received complaints from residents whose peace and quiet has been disturbed by their neighbors operating off-road vehicles; and

WHEREAS, it is in the best interest of the Township and the general welfare of its residents to regulate off-road vehicles so as to mitigate the noise generated by such vehicles;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter 3 of the Township Code entitled "Police Regulations" is hereby supplemented and amended as follows:

Section 1. There is hereby created a new Section 3-18 entitled "Off-Road Vehicles" which reads as follows:

3-18 OFF-ROAD VEHICLES.

3-18.1. Definitions.

As used in this section, the following terms shall have the meanings indicated:

Off-Road Vehicle (ORV) shall mean motor vehicles which are capable of human transport and designed or used for the purpose of recreation off the public right-of-way, including, but not limited to, all-terrain vehicles (ATV's), trail/dirt bikes, mini-bikes, go-carts and snowmobiles. Excluded from this definition are lawn mowers, tractors or farm, lawn, garden or similar equipment for residential use, or business or agricultural/farming activities, when used for purposes for which each was designed.

3-18.2. Regulations/Prohibited Acts.

A. It shall be unlawful to operate any ORV under the following circumstances:

(1) On the property of another person or party, unless the operator of the ORV has written permission of the owner or legal occupant of said property to operate the ORV thereon or said property owner is present. Said written permission must be exhibited to police officers upon request.

(2) On any public street, sidewalk or bike path within the Township of Long Hill.

(3) On public property unless written permission for operation of ORVs on said property has been specifically given by the applicable public authority.

(4) Within 450 feet of a residence, other than the operator's:

(5) When it creates any harsh, objectionable or unreasonable noise so as to disturb or interfere with the peace and quiet of other persons or which produces noise in violation of Chapter 3-15 of the Code of the Township of Long Hill, titled "Noise."

- B. No person shall operate or cause to be operated any ORV not equipped with a factory- installed or functionally equivalent muffler in good working order and in constant operation; or
- C. It shall be unlawful for the owner or person having control or custody of an ORV to allow or enable a minor under (under age 18) to operate said ORV in a manner violating any section of this ordinance. When a minor operates an ORV in violation of this ordinance, it shall be a rebuttable presumption that the parent or guardian enabled the ORV to be so operated and such parent or guardian shall be an additional responsible party.
- D. Exemptions:
 - (1) ORVs specifically used for farming activities under the New Jersey Right-to-Farm regulations, yard work and snow removal.
 - (2) ORVs engaged in governmental or emergency functions included but not limited to utility repair, search and rescue operations, fire fighting or vehicles engaged in scientific research in otherwise inaccessible areas.
 - (3) ORVs in transit to or from public roadways or when being loaded or unloading from their transport vehicles.
 - (4) Lawn mowers, tractors, lawn, garden or similar equipment for residential use. This equipment must however operate with a factory-installed or functionally equivalent muffler.
 - (5) Public celebrations that are government sponsored or government permitted events.
 - (6) Safety training by a certified instructor under the Motorcycles Safety Foundation (MSF) or another sanctioned curriculum and with written, permitted approval from the Township Committee.

3-18.3. ORV Standards.

- A. It shall be unlawful for any ORV to be operated within the Township which does not conform to current federal or state standards for the type of ORV in question. If no such standard exists, then current recognized standards- setting bodies or industry trade association standards shall be used, if available.
- B. It shall be unlawful for any ORV to be operated without a factory-installed or functionally equivalent muffler in good working order and in constant operation. For two-cycle engines, a United States Forest Service approved muffler/spark arrester combination is required.

3-18.4. Violations and Penalties.

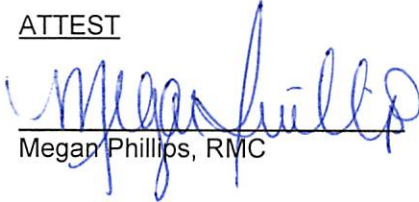
Any person violating any provision of this section shall, upon conviction thereof, be liable to the general penalties set forth in Section 1-5 of this Code. The violation of any subsection of this section shall constitute a separate and distinct offense independent of the violation of any other subsection. Each violation shall constitute an additional, separate and distinct offense. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of his ordinance or from other law.


Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST


Megan Phillips, RMC


Scott Lavender, Mayor

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1st Publication: Morris Daily Record February 13, 2023

Second Reading and Adoption: February 22, 2023

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