

ORDINANCE NO. 3910-10 (As Amended)

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 378, VEHICLES LICENSED IN ITS ENTIRETY AND RENAMING THE CHAPTER TO CHAPTER 378, MOTORIZED SPORT BIKES AND RELATED VEHICLES.

SUMMARY

An ordinance amending Chapter 378 by renaming chapter "Motorized Sport Bikes and Related Vehicles" and revising the entire chapter.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Code of the Township of Franklin be and it is hereby amended in its entirety as follows:

CHAPTER 378. MOTORIZED SPORT BIKES AND RELATED VEHICLES, ~~UNLICENSED~~

~~**[HISTORY: Adopted by the Township Council of the Township of Franklin as indicated in article histories. Amendments noted where applicable.]**~~

GENERAL REFERENCES

Noise — See Ch. [167](#).

Vehicles and traffic — See Ch. [226](#).

Streets and sidewalks — See Ch. [333](#).

Inoperable vehicles — See Ch. [374](#).

ARTICLE I. Use on Public and Private Property and Rights-of-Way

~~**[Adopted 7-12-1973 by Ord. No. 643 (Ch. 231, Art. I, of the 1990 Code)]**~~

§ 378-1. Regulations for operation of ~~unlicensed motor-driven vehicles~~. Motorized Sports Bikes and Related Vehicles.

~~It shall be unlawful to operate any type of unlicensed motor-driven vehicle or conveyance, including but not necessarily limited to snowmobiles, two-wheel motor vehicles known as "minibicycles," trail bicycles, motor scooters and four-wheel motor vehicles known as "go-carts" under the following circumstances:~~

~~A. On private property of another without the express written permission to do so by the owner of such property.~~

~~B. On any public street or public right-of-way located within the Township~~

The following terms used herein shall be defined thusly:

MOTORIZED SPORT BIKE -- Any two-, three- or four-wheeled bicycle, vehicle or conveyance that is motor propelled or contains a motor to assist the operation of said vehicle and which vehicles are commonly referred to as dirt bikes, scooters, minibikes, go-carts, all-terrain vehicles (ATV's), dune buggies and trail bikes, which vehicles by their nature and design are not intended to be used and operated along paved roads and highways but are intended rather to be operated in dirt, sand, up and down hills, along trails and in similar type areas. Motorized Sport Bike shall also include snowmobiles.

PRIVATE PROPERTY -- All lands and buildings in the Township of Franklin not included in the definition of "public property" or part of the public road system.

~~C. On public grounds without express written provisions or written permission to do so by the proper public authority. The term "public grounds" shall mean PUBLIC PROPERTY -- Lands and buildings owned or leased by the Township of Franklin, the Franklin Township Board of Education, the County of Somerset or the State of New Jersey or any other~~

equivalent public body. Public Property shall also include any parks, ballparks, recreation areas, lake areas, Township-owned streets, easements and sidewalks or areas dedicated or commonly used for vehicular or pedestrian traffic, Township storage facilities, Township garage area, Board of Education properties and any and all other Township-owned and publicly owned lands and premises. It shall also include those public lands set forth in P.L. 2009, c.275, including any public lands which may be subsequently identified by ordinance.

It shall be unlawful to operate any type of Motorized Sport Bike under the following circumstances:

- A. To operate a motorized sport bike upon public property at any time unless authorized as indicated below.
- B. To operate a motorized sport bike on private property, other than that private property owned by the family of the operator, without the written consent of all of the owners of the private property.
- C. To operate a motorized sport bike during the period of one hour after sunset, until four hours after sunrise.
- D. ~~In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.~~ To operate a motorized sport bike upon any public street, roadway, highway or within the boundaries of the public right-of-way within the Township of Franklin, unless permitted by the licensure and registration requirements of P.L. 2009, c. 275 administered by the Division of Motor Vehicles.
- E. To operate a motorized sport bike that causes noise so as to disturb or interfere with the peace and quiet of other persons. Such noise shall, for purposes hereof, be defined as such noise that exceeds 65 decibels when measured at or within the real property line of the complainant beginning 4 hours after sunrise and continuing until 1 hour after sunset, and on any day of the year, and such noise that exceeds 50 decibels when measured at or within the real property line of the complainant at any other time of any day of the year.
- F. To operate a motorized sport bike so as to cause it to propel sand, dirt, dust, rocks, gravel or other similar materials into the air so as to be likely to injure persons and/or damage property.
- G. To operate a motorized sport bike on public or private property in such a way as to harass, ~~worry~~ or disturb farm animals, domestic livestock or wildlife or further to destroy or damage crops or farm produce.
- H. To operate a motorized sport bike without the motorized sport bike containing a muffler or other similar device to reduce the sound coming from the engine of the vehicle.
- I. To operate a motorized sport bike without the original or replacement fenders so as to keep objects upon the ground from being propelled into the air.
- J. To operate a motorized sport bike near any public roadway so that the operation of said motorized bike would cause operators of automobiles, motorcycles or trucks to have to take evasive or irregular action to move away from said motorized sport bike.
- K. To operate a motorized sport bike without the motorized sport bike being in proper operating condition, which means that all of the original operating equipment specified by the original manufacturer must be present on the bike or replacement equipment equal to the specifications of the original manufacturer's equipment are present and in operating condition at least equal to the manufacturer's requirements for the proper operation thereof.

- L. To operate a motorized sport bike on any private street or right-of-way within the Township of Franklin without the written permission of the owner of the private street or right-of-way.
- M. To operate a motorized sport bike in a careless, reckless or negligent manner which endangers the safety of any person, including the operator himself, or the property of any person.
- N. To operate a motorized sport bike while under the influence of liquor or drugs in accordance with the requirements of N.J.S.A. 39:4-50.
- O. To operate a snowmobile within the Township under the following circumstances:
- (1) On any private street or right-of-way.
 - (2) On public grounds within the Township without the express written permission or approval of the public authority having charge or control thereof and then only in accordance with such rules and regulations as such public authority may impose.
 - ~~E. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or the property of any other person.~~ (3) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons. Such noise shall, for purposes hereof, be defined as such noise that exceeds 65 decibels when measured at or within the real property line of the complainant, beginning 4 hours after sunrise and continuing until 1 hour after sunset, and on any day of the year, and such noise that exceeds 50 decibels when measured at or within the real property line of the complainant at any other time of any day of the year.
 - (4) In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or persons or the property of any person or persons.
- P. To the degree not covered above, on Public Property without express written provision or written permission to do so by the proper public authority in accordance with P.L. 2009, c.275.
- Q. To clean, maintain, repair or operate a Motorized Sport Bike or Snowmobile in the driveway of any residential property, or on any portion of private property, for more than 15 minutes in any hour, no more than 2 times per day for a total of 30 minutes, unless sound levels are at or below 65 decibels when measured at or within the real property line of the complainant, beginning 4 hours after sunrise and continuing until 1 hour after sunset, and on any day of the year, and/or at or below 50 decibels when measured at or within the real property line of the complainant at any other time of any day of the year. For purposes hereof, driveway shall be defined to mean a private driveway, road, field road, or other traveled way, giving access from a public road or a private road to one or more structures on a residential property.
- R. In any manner that fails to conform with the licensing and operational requirements of P.L. 2009, c.275 upon its effective date, which requires Motorized Sport Bike to be licensed and registered in accordance therewith.

- A. The operator of a motorized sport bike shall wear an [ANSI regulation or a MV regulation approved] helmet upon his head and goggles or face shields over his face.
- B. No person operating a motorized sport bike or motorcycle shall engage in trick riding or ride without maintaining full control of the motorized sport bike or remove both hands from the handlebar.
- C. No person operating a motorized sport bike shall carry any other person on it except in a place designated for such purpose and equipped for such purpose as part of the original manufacture for said purpose.

§ 378-3. Exceptions.

This article shall not apply to ~~police and emergency vehicles or farm or lawn maintenance vehicles.~~

§ 378-3. Confiscation by police.

~~The police shall immediately confiscate the unlicensed motor-driven vehicle operated in the prohibited areas or in the prohibited manner described in § 378-1. The unlicensed motor-driven vehicle shall be returned upon payment of the fine or upon direction of the court.~~

- a) Police and emergency vehicles;
- b) Farm or lawn maintenance vehicles specifically being used for farming activities, yard work and/or snow removal;
- c) Motorized Sport Bikes or Snowmobiles engaged in government 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;
- d) Motorized Sport Bikes or Snowmobiles in transit to or from public roadways or when being loaded or unloading from their transport vehicles;
- e) Lawn mowers, tractors, lawn, garden or similar equipment for residential use. This equipment must however operate with a factory-installed or functionally equivalent muffler;
- f) Public celebrations that are government sponsored or government permitted events;
- g) Permitted motor vehicle racetracks;
- h) Safety training by a certified instructor under the Motorcycle Safety Foundation (MSF) or another sanctioned curriculum and with written, permitted approval from the Township; or,
- i) Any other vehicle exempt from the licensing and operational requirements of P.L. 2009, c.275.

§ 378-4. Violations and penalties.

Any person who shall violate the provisions of this article shall be subject to the penalties included in Chapter 1, Article II, General Penalty, ~~or as applicable, to those penalties provided for in P.L. 2009, c.275 upon its effective date.~~

ARTICLE II. Use of Motorized Bicycles or Motorized Sport Bikes on Bike Paths

[Adopted 12-11-1980 by Ord. No. 1032 (Ch. 231, Art. II, of the 1990 Code)]

§ 378-5. Unlawful areas of operation.

It shall be unlawful for any motorized bicycle or Motorized Sport Bike to be operated upon, through or over the following described lands or portions thereof:

- A. The bike path located along the entire length of John F. Kennedy Boulevard from Amwell Road to Easton Avenue.
- B. The bike path located along Easton Avenue from John F. Kennedy Boulevard to Cedar Grove Lane.
- C. Any other paths or public lands which may be subsequently identified by ordinance pursuant to the provisions of this Chapter and P.L. 2009, c. 275.

§ 378-6. Violations and penalties.

Any violation of the provisions of this article shall be punishable as provided in Chapter 1, Article II, General Penalty, or as applicable, to those penalties provided for in P.L. 2009, c.275 upon its effective date.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION IV

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

ORDINANCE NO. 3910-10

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: October 12, 2010
Public Hearing: November 9, 2010
Adoption: November 9, 2010
Notice of Adoption: November 19, 2010
Effective Date: November 29, 2010

Ann Marie McCarthy, Township Clerk