

CITY OF ABSECON

ORDINANCE 10-2022

AN ORDINANCE DECLARING AN ALL-TERRAIN VEHICLE OR DIRT BIKE OPERATED ON A PUBLIC STREET, HIGHWAY OR RIGHT OF WAY IN VIOLATION OF N.J.S.A. 39:3C-17 AN IMMEDIATE THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE AND DESIGNATING SUCH VEHICLES AS CONTRABAND SUBJECT TO FORFEITURE; THEREFORE, AMENDING THE CODE OF THE CITY OF ABSECON, ADDING CHAPTER 131 – ALL-TERRAIN VEHICLES

§ 131-1

WHEREAS, N.J.S.A. 39:3C-35 states that a snowmobile, all-terrain vehicle or dirt bike is prohibited from operating on a public street, highway or right of way unless properly registered, operated and insured in accordance with N.J.S.A. 39:3C-17 and allows the vehicle to be impounded until proof is provided of registration and insurance; and

WHEREAS, despite the legislation, the City of Absecon, as well as many other municipalities in the State and other States have experienced an increase in illegally operated all- terrain vehicles and dirt bikes upon the public streets, highways and rights of way, causing a threat to the public welfare by interfering with pedestrian and vehicle traffic, and resulting in traffic accidents and further eluding the Absecon Police Department causing further dangerous conditions; and

WHEREAS, City Council of the City of Absecon declares that an all-terrain vehicle or dirt bike operated on any public street, highway, or right of way in violation of N.J.S.A. 39:3C-17 and N.J.S.A. 39:3C-35 poses an immediate threat to the public health, safety or welfare and hereby designates such all-terrain vehicles and dirt bikes so operated as contraband subject to forfeiture in accordance with the provisions of N.J.S.A. 2C:64-1, et seq. An all-terrain vehicle or dirt bike so forfeited pursuant to the provisions of N.J.S.A. 2C:64-1, et seq. as authorized hereby shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or at the discretion of the City Council or such other agency funding the prosecution.

WHEREAS, City Council of the City of Absecon finds that this will provide the Absecon Police Department and the residents with an avenue of removing illegal vehicles from the street's highways and rights of way and finds it to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Absecon declares an all-terrain vehicle or dirt bike operated on any public street, highway, or right of way in violation of N.J.S.A. 39:3C-17 and N.J.S.A. 39:3C-35 poses an immediate threat to the public health, safety or welfare and hereby designates such all-terrain vehicles or dirt bikes so operated as contraband subject to forfeiture in accordance with the provisions of N.J.S.A. 2C:64-1, et seq. An all-terrain vehicle or dirt bike so forfeited pursuant to the provisions of N.J.S.A. 2C:64-1 et seq. as authorized hereby shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or at the discretion of the City Council or such other agency funding the prosecution.

§ 131-2 Direct disbursing of gasoline from gas stations prohibited.

WHEREAS, City Council of the City of Absecon declares that any person owning a gas station in the City of Absecon disbursing gas from gas pumps located on said property to the general public is hereby prohibited from disbursing or allowing to be disbursed gasoline directly into any all-terrain vehicle or dirt bike.

WHEREAS, City Council of the City of Absecon declares that any person owning a gas station in the City of Absecon disbursing gas to the general public is hereby prohibited from allowing any person, including customers, to disburse gasoline from gas pumps located on said property directly into any all-terrain vehicle or dirt bike.

WHEREAS, City Council of the City of Absecon declares that all persons are hereby prohibited from disbursing gasoline from gas pumps located at gas stations directly into any all-terrain vehicle or dirt bike.

This Section shall not prohibit the distribution of gasoline directly into an all-terrain vehicle or direct bike driven to a gas station on a properly registered trailer, truck, or other lawful means of conveyance.

§131-3 Violations and penalties

Any person who shall be convicted of a violation of the terms and conditions of this Article shall pay a fine of not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 nor more than \$2,500 for any subsequent offense within a calendar year.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: July 7th, 2022

SIGNED:


Kimberly Horton, Mayor

ATTEST:


Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on June 16th, 2022. Laid over and advertised for public hearing and final adoption on July 7th, 2022. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on July 7th, 2022.