

Intro: 11/11/13  
Adopted: 11/25/13

**TOWNSHIP OF FAIRFIELD  
ORDINANCE #2013-24**

**AN ORDINANCE AMENDING CHAPTER 7  
RECREATIONAL MOTOR-DRIVEN VEHICLES**

**WHEREAS**, the Township of Fairfield finds that off road, recreational motor-driven vehicle operators are riding their vehicles in the Township without seeming restraint or within reason and are consequently causing damage to the terrain upon which they operate, are dangerously entering and traversing areas posted for hunting, are irresponsibly riding on private property in general and are operating without regard to the welfare of the community and are causing excessive noise doing so; and

**WHEREAS**, the Township is concerned about the safety of children playing on public land, playing on private open spaces, and generally acting appropriately for their private enjoyment in the same areas as recreational motor-driven vehicles are operating; and

**WHEREAS**, recreational motor-driven vehicle operation is causing a concern that continued unrestrained operation within the Township raises a risk of unwarranted and unwanted violent accident to both the recreational motor-driven vehicle operator and the public; and.

**WHEREAS**, the Township seeks to minimize, if not eliminate the potential for an accidental interaction between any recreational motor-driven vehicle and a member of the public; and

**WHEREAS**, the Township seeks to minimize, if not eliminate the potential for damage to public or private property as a consequence of the operation of an recreational motor-driven vehicle in the Township; and

**WHEREAS**, the Township seeks to minimize, if not eliminate the unwanted noise generated by the operation of recreational motor-driven vehicles and affecting the public welfare as a consequence of the operation of an recreational motor-vehicle in the Township; and

**WHEREAS**, the governing body finds it necessary to amend Chapter 7 to add a new section 7-29 Recreational Motor-Driven Vehicles; and

**WHEREAS**, the Governing Body of the Township of Fairfield by reason of the conditions and circumstances recited above, has determined that it is necessary and proper for the protection of persons and property and for the promotion of the welfare of the Township and its inhabitants that the Township adopt reasonable rules and regulations to control the operation of recreational motor-driven vehicles.

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**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND  
COUNCIL OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE  
OF NEW JERSEY AS FOLLOWS:**

1. **Chapter 7-29 RECREATIONAL MOTOR-DRIVEN VEHICLES.**  
*(This entire section is a new section.)*

**7-29.1 Purpose.**

The purpose of this section is to control and regulate recreational motor-driven vehicles within the Township of Fairfield in order to preserve the public peace and order and protect the health and welfare of the general public of the Township.

**7-29.2 Definition.**

The term *Recreational Motor-driven vehicles* shall include but are not limited to mini-bikes, motor scooters, go-carts, swamp buggies, mopeds, snowmobiles, ATV's (all terrain vehicles) or other similar types of motor-driven vehicles used for recreational purposes.

**7-29.3 Operation and Use Restrictions.**

It shall be unlawful for any person to operate or permit and suffer to be operated a motor-driven vehicle, as defined herein, within the Township under the following circumstances:

- a. On private property of another without the express, prior, written consent of the owner and the occupant of the property.
- b. On any public grounds or property.
- c. In such manner as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- d. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any person.

**7-29.4 Violations and Penalties.**

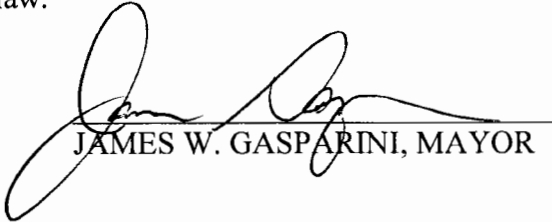
Every person convicted of a violation of a provision of this subchapter shall be liable to a penalty of not more than one hundred dollars (\$100.00) and shall serve a minimum of two (2) days of community service or be liable to imprisonment for a term not exceeding fifteen (15) days.

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged to be invalid, such adjudication shall apply

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only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed, valid and effective.

4. This Ordinance shall take effect immediately upon passage and publication in accordance with law.



JAMES W. GASPARINI, MAYOR

ATTEST:



DENISE D. CAFONE, MUNICIPAL CLERK

#### NOTICE

**Notice** is hereby given that the foregoing ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **November 11, 2013** introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **November 25, 2013 at 7:30 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise C. Cafone  
Municipal Clerk

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**INTRODUCTION OF ORDINANCE November 11, 2013:** ORDINANCE #2013-24  
AN ORDINANCE AMENDING CHAPTER 7 RECREATIONAL MOTOR-DRIVEN  
VEHICLES

**INTRODUCED BY:** Councilman LaForgia  
**SECONDED BY:** Councilman Cifelli  
**PUBLISHED:** November 15, 2013

**ROLL CALL VOTE**

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI	X				

**2<sup>ND</sup> READING AND PUBLIC HEARING: November 25, 2013**

**INTRODUCED BY:** Councilman Cifelli  
**SECONDED BY:** Councilman LaForgia  
**PUBLISHED:** December 5, 2013

**ROLL CALL VOTE**

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN				X	
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI	X				