

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2725-23

AN ORDINANCE SUPPLEMENTING CHAPTER 523 “VEHICLES AND TRAFFIC” TO DESIGNATE ALL-TERRAIN VEHICLES AND DIRT BIKES OPERATED ON PUBLIC STREETS, HIGHWAYS, AND RIGHTS-OF-WAY AS CONTRABAND

WHEREAS, the New Jersey Legislature adopted P.L. 2021, c. 353 (S4080) amending N.J.S.A. 39:3C-35, effective January 10, 2022; and

WHEREAS, N.J.S.A. 39:3C-35 now authorizes municipalities, by ordinance, to declare that an all-terrain vehicle (“ATV”) or dirt bike operated on any public street, highway, or right-of-way in violation of N.J.S.A. 39:3C-17 poses an immediate threat to the public health, safety, or welfare and designate such ATVs 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. which shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or, at the discretion of the entity funding the prosecuting agency involved, may be destroyed; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is empowered to adopt ordinances for the public health, safety, and welfare of the municipality and its residents; and

WHEREAS, the Roselle Police Department has made a recommendation to the Borough Council to adopt the new provisions of N.J.S.A. 39:3C-35 and the Borough Council agrees that it is in the best interests of the residents of the Borough to do so.

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Roselle that:

SECTION I. Chapter 523 “Vehicles and Traffic” of the Code of the Borough of Roselle is hereby supplemented by the addition of Article VII “All-Terrain Vehicles and Dirt Bikes as follows:

Article VII All-Terrain Vehicles and Dirt Bikes

§523-64 Prohibited operation.

Pursuant to N.J.S.A. 39:3C-17, no person shall operate an all-terrain vehicle or dirt bike upon the main traveled portion or the plowed snowbanks of any public street or highway or within the right-of-way limits thereof.

§523-65 Designation as contraband.

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 poses an immediate threat to the public health, safety, or welfare and is hereby designated as contraband subject to forfeiture in accordance with the provisions of N.J.S.A. 2C:64-1 et seq.

§523-66 Forfeiture and disposal.

An all-terrain vehicle or dirt bike forfeited pursuant to the provisions of N.J.S.A. 2C:64-1 et seq. as authorized by this article shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or may be destroyed.

SECTION II. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

SECTION III. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby replaced and/or repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect at the time and in the manner provided by law.

Recorded Vote on Introduction Ordinance No. 2725-23, November 8, 2023

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda	X		X			
Councilwoman Johnson			X			
Councilwoman Thomas			X			
Councilman Fortuna						X
Councilwoman Wilkerson			X			
Council President Bernier		X	X			
X Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

Recorded Vote on Final Passage Ordinance No. 2725-23, December 20, 2023

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda			X			
Councilwoman Johnson		X	X			
Councilwoman Thomas			X			
Councilman Fortuna	X		X			
Councilwoman Wilkerson			X			
Council President Bernier			X			
X Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

Approved

Vetoed and returned to the Borough Clerk with the following statement and objections:

Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2725-23 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council December 20, 2023, after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

Lisette Sanchez, Borough Clerk