

Ch. 100: Motorized Recreational vehicles

100.10 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings attributed to them in this section:

(A) "Dirt bike" means a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, as defined in section 14-1 of the Connecticut General Statutes. "Dirt bike" does not include an all-terrain vehicle, as defined in section 14-379 of the general statutes, or a motor-driven cycle, as defined in section 14-1 of the general statutes.

(B) "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice, except vehicles propelled by sail.

(C) "All-terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain that has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under Chapter 246 of the Connecticut General Statutes.

(D) "Operate" means to control the course of or otherwise use a dirt bike, snowmobile, all-terrain vehicle, motor-driven cycle, mini-cycle, or similar vehicle.

(E) "Motor-driven cycle" means any motorcycle, motor scooter, or bicycle with an attached motor, with a seat height of not less than twenty-six inches, and a motor having a capacity of less than fifty cubic centimeters piston displacement.

(F) "Mini cycle" means pocketbikes, miniature (hereafter "mini") bikes, mini cycles, mini sport bikes, mini motorcycles, chopper scooters, and any other similar wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.

(G) The terms "dirt bike," "snowmobile," "all-terrain vehicle," "motor-driven cycle," and "mini-cycle" shall not be deemed to include any of the following:

(1) Any registered "motorcycle" as defined in the C.G.S. § 14-1(46);

(2) Any registered "motor vehicle" as defined in C.G.S. § 14-1(47);

(3) Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the State of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all other City of Waterbury Municipal Ordinances;

- (4) Any wheelchair or similar mobility assisting device utilized by a person with a physical disability or whose ambulatory mobility has been impaired due to age or physical ailment;
- (5) Any self-propelled snow plow, snow blower or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four (4) miles per hour;
- (6) Any vehicle owned or leased by the City of Waterbury; and
- (7) Any electric personal assistive mobility device (hereinafter "EPAMD") that is self-balancing, has two (2) non-tandem wheeled devices, is designed to transport only one (1) person, and has an electric propulsion system that limits the maximum speed of the device to twelve and one-half (12.5) miles per hour or less.

For the purposes of Sections 100.11 and 100.12 of this ordinance, the terms "dirt bike," "snowmobile," "all-terrain vehicle," "motor-driven cycle," and "mini cycle" as defined in this section, shall be collectively referred to as "motorized recreational vehicle(s)."

100.11 Operations prohibited.

(A) It shall be unlawful for any person to operate a motorized recreational vehicle and/or for any owner of a motorized recreational vehicle to knowingly permit the operation of his or her motorized recreational vehicle on any street or sidewalk in the City of Waterbury or on any public property, including but not limited to school property, playgrounds and parks, within the City or any property owned by the City of Waterbury that is outside of the City of Waterbury.

(B) It shall be unlawful for any person to ride as a passenger on a motorized recreational vehicle and/or for any owner of a motorized recreational vehicle to knowingly permit any person to ride as a passenger on his/her motorized recreational vehicle operated in violation of subsection (A) above.

(C) It shall be unlawful for any person to operate a motorized recreational vehicle, ride as a passenger on a motorized recreational vehicle, and/or for any owner of a motorized recreational vehicle to knowingly permit its operation on any private property, within the City of Waterbury, without first obtaining the written permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the motorized recreational vehicle. A permitted operator of a motorized recreational may not operate that vehicle on private property in violation of subsection (D) below.

(D) It shall be unlawful to operate a motorized recreational vehicle, to ride as a passenger on a motorized recreational vehicle, and/or for any owner of a motorized recreational vehicle to

knowingly permit its operation on private property before 8:00AM or after 7:00PM on weekdays, or before 9:00AM or after 8:00PM on weekends.

(E) It shall be unlawful for any person to operate an EPAMD and/or for any owner of an EPAMD to knowingly permit the operation of his/her EPAMD on any street in the City of Waterbury, provided, however, an EPAMD may be operated on any public sidewalk and/or crosswalk in the City of Waterbury. An operator of an EPAMD shall yield to pedestrians and any wheelchair or similar mobility-assisting device as defined within this Ordinance and shall comply with any applicable State of Connecticut laws or regulations.

100.12 Penalties

(A) Any person who operates a motorized recreational vehicle in violation of Section 100.11(A) of this ordinance, or is the owner of a motorized recreational vehicle who knowingly permits its operation in violation of Section 100.11(A) of this ordinance, may be fined a sum not to exceed one-thousand dollars (\$1,000.00), but not less than five-hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one-thousand five-hundred dollars (\$1,500.00), but not less than one-thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two-thousand dollars (\$2,000.00), but not less than one-thousand dollars (\$1,000.00) for any third or subsequent offense.

(B) Any person who rides as a passenger on a motorized recreational vehicle in violation of Section 100.11(B) of this ordinance, or is the owner of a motorized recreational vehicle who knowingly permits a passenger to ride on his/her recreational motor vehicle in violation of Section 100.11(B) of this ordinance, may be fined a sum not to exceed one-thousand dollars (\$1,000.00), but not less than five-hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one-thousand five-hundred dollars (\$1,500.00), but not less than one-thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two-thousand dollars (\$2,000.00), but not less than one-thousand dollars (\$1,000.00) for any third or subsequent offense.

(C) Any person who operates a motorized recreational vehicle in violation of Section 100.11(C) of this ordinance, rides as a passenger on a recreational motor vehicle in violation of section 100.11(C) of this ordinance, or is the owner of a motorized recreational vehicle who knowingly permits its operation in violation of Section 100.11(C) of this ordinance may be fined a sum not to exceed one-thousand dollars (\$1,000.00), but not less than five-hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one-thousand five-hundred dollars (\$1,500.00), but not less than one-thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two-thousand dollars (\$2,000.00), but not less than one-thousand dollars (\$1,000.00) for any third or subsequent offense.

(D) Any person who operates a motorized recreational vehicle in violation of Section 100.11(D) of this ordinance, rides as a passenger on a recreational motor vehicle in violation of Section 100.11(D) of this ordinance, or is the owner of a recreational motorized vehicle who knowingly permits its operation in violation of Section 100.11(D) of this ordinance may be fined a sum not to exceed one-thousand dollars (\$1,000.00), but not less than five-hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one-thousand five-hundred dollars (\$1,500.00), but not less than one-thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two-thousand dollars (\$2,000.00), but not less than one-thousand dollars (\$1,000.00) for any third or subsequent offense.

(E) Any person who operates an EPAMD in violation of Section 100.11(D) of this ordinance, or is the owner of an EPAMD who knowingly permits its operation in violation of Section 100.11(D) of this ordinance, may be fined a sum not to exceed one-hundred dollars (\$100.00), but not less than fifty dollars (\$50.00) for a first offense, may be fined a sum not to exceed two-hundred dollars (\$200.00), but not less than one-hundred dollars (\$100.00) for a second offense, or may be fined a sum not to exceed three-hundred dollars (\$300.00), but not less than two-hundred dollars (\$200.00) for any third or subsequent offense.

(F) A police officer who observes any person in violation of any subsection of Section 100.11 of this ordinance may detain such person for purposes of enforcing the provisions of this ordinance and may take the motorized recreational vehicle in question into the custody of the Waterbury Police Department, at the owner's expense, pending a disposition of such property by court order or otherwise by law and shall issue a citation imposing a fine in an amount authorized by this ordinance pursuant to Connecticut General Statutes Section 7-148b

(G) Before the owner or person in charge of an impounded motorized recreational vehicle or EPAMD shall be permitted to remove the vehicle from impoundment, he shall furnish to Waterbury Police Department, or such other person as the Chief of Police shall designate, evidence of his registration and ownership, shall sign a receipt for such vehicle, and shall pay the cost of impoundment. Such owner or person in charge of an impounded motorized recreational vehicle or EPAMD shall obtain a written release from the Waterbury Police Department on a form prescribed by the Chief of Police prior to the release of such impounded motorized recreational vehicle or EPAMD. The Waterbury Police Department shall refuse the release of any motorized recreational vehicle or EPAMD lawfully seized that the Chief of Police or his designee has authorized to hold as evidence in a criminal investigation or proceeding.

(H) Posting by all terrain vehicle dealers. Each motorized recreational vehicle dealer offering for sale, lease or rental of new motorized recreational vehicles within the City of Waterbury shall post this ordinance in a prominent location at said dealer's place of business. Any motorized

recreational vehicle dealer who violates any provision of this section shall have committed an infraction. For a first violation, the Chief of Police or his designee shall issue a written warning providing notice of the specific violation and the time period within which it shall be corrected. If the motorized recreational vehicle dealer receiving the written warning fails to correct the violation within the time period specified in the warning, the chief of police or his designee shall issue a fine of ninety nine dollars (\$99.00). Any continuing violation that is discovered during any subsequent re-inspection shall result in a fine of ninety nine dollars (\$99.00). Each re-inspection at which a violation is discovered shall constitute a separate violation.

(I) Penalties; Liability. Except as otherwise provided, any person who violates any of Connecticut General Statutes Sections 14-379 to 14-390, inclusive, or any regulation relating thereto shall have committed an infraction for each such offense. In addition thereto the operator or owner, or both of a snowmobile or all-terrain vehicle, shall be responsible and held accountable to the owner of any land where trees, shrubs, crops, fences or other property have been damaged as a result of travel of such snowmobiles or all-terrain vehicles over such land, or where consequential damage has resulted from such travel.