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COMMITTEE REPORT

ATV AND DIRT BIKE ORDINANCE CONSIDERATION, RTC 10/02/23 PUBLIC PROTECTION & SAFETY COMMITTEE OF THE RTM

Feb. 20, 2024 Meeting: Brief initial instruction and review of request from the Waterford Police dept. RTM Member Driscoll informed the committee that the state legislature is also looking into this issue. Committee asked the Chair to reach out to the Chief of the Police Department and ask if he was able to wait until the end of the legislative session in Hartford to determine what action the State takes.

Aug. 14, 2024 Meeting: Chief Balestracci was in attendance for discussion. Chief gave committee other community's ordinances dealing with the same issue. Chief requested that the committee look these over as templates for possible ordinance creation. Committee briefly reviewed the documents and will as a matter of general consensus send the Town of Guilford's ordinance to the Town Attorney for review and modification. Chairman Condon will reach out to the Town Attorney with questions posed by committee and to advise where the committee would like to start based on the Chiefs recommendations

Aug. 29, 2024 Meeting: Committee expressed needed changes to the various ordinances presented last time by the Chief of Police. The committee reviewed a few ordinances with the attorney and expressed that the Town of Guilford offers the best template to build off of. Town attorney will review Guilford ordinance along with committee comments and produce a document for review.

March 31, 2025 Meeting: Attorney Avena presented a draft ordinance to the committee for review and comment. Committee reviewed the document which Attorney Avena had put together combining multiple other Towns ordinances. Committee requested that we reach out to the Police Department for comment and possible attendance at our next meeting.

June 30, 2025: Draft ordinance presented by legal. Chief Balestracci provided history and benefits of the proposed ordinance. It was decided that language should match New London. The appeal process was discussed. A unanimous motion was passed to send the ordinance to a Public Hearing.

July 21, 2025 Public Hearing: No comments from the public. During the meeting portion a motion was passed unanimously to report issue out of committee and recommend the proposed ordinance because of the unsafe and illegal operation of ATV's and dirt bikes in Waterford with changes to 10.10.010. (See Attachment)

Submitted by
Tim Condon, PP&S Chair

encl: Chptr 10.10 All-Terrain Vehicles—Final Draft 7/23/25

Chapter 10.10
All-Terrain Vehicles Ordinance

- 10.10.010 Declaration of Policy.**
- 10.10.020 Definitions.**
- 10.10.030 Prohibition.**
- 10.10.040 Penalties.**
- 10.10.050 Sign Posting Required for All-Terrain Dealers.**
- 10.10.060 Sale of Gasoline for Illegal Purposes.**
- 10.10.070 Appeal.**

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 ATTORNEY: [Signature]

10.10.010 Declaration of Policy.

As authorized under C.G.S. Section 14-390(A), the Police Chief and Police Commission have become concerned with unregistered and unsafe vehicle use in Waterford. Therefore, all-terrain vehicles, mini bikes, mini motorcycles and dirt bikes on streets and public property are prohibited.

10.10.020 Definitions.

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

All-terrain vehicle means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the commissioner of motor vehicles to be unsuitable for operation on the public highways and also defined as any three (3) or more wheeled motorized vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road uses by an individual rider on various types of non-paved terrain. Such vehicles do not include trail bikes, golf carts, agricultural tractors, farm implements and construction machines.

All-terrain vehicle dealer means any person engaged in the business of manufacturing, selling, leasing or renting all-terrain vehicles, mini bikes, as defined by this section, mini-motorcycles, as defined by this section, or dirt bikes, as defined by this section, at retail having a regular and established place of business within the Town.

Dirt bike shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, and also defined pursuant to General Statute § 14-390m(d) as may be amended.

Mini-motorcycle shall mean a vehicle that has not more than three (3) wheels in contact with the ground, has a manufactured seat height of less than twenty-six (26) inches measured at the lowest point on top of the seat cushion without the rider, and is propelled by an engine having a piston displacement of less than fifty (50) c.c.

Pocket bikes, mini bikes, mini sport bikes, mini dirt bikes, chopper scooters, motor scooters, bicycles with helper motors, and any other similar vehicle (hereinafter collectively "mini bikes") shall mean any wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.

As used in this section, "all-terrain vehicle", "mini bike", "mini motorcycle" and "dirt bike" shall not include the following:

- (1) Any registered "motorcycle" as defined in General Statute § 14-1(46);
- (2) Any registered "motor vehicle" as defined in General Statute § 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 Town 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 Town; and
- (7) Any electronic assistive mobility device as defined by the Town Code.
- (8) Electric ("E") Bikes as defined by state statute.

10.10.030 Prohibitions

- (1) It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, motorcycle, or dirt bike to knowingly permit the operation of his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike on any street or sidewalk in the Town or on any public property, including but not limited to school property, playgrounds and parks, within the Town.
- (2) It shall be unlawful for any person to ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit any person to ride as a passenger on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike operated in violation of subsection (1) above.
- (3) It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, ride as a passenger on an all-terrain vehicle, mini bike, mini

motorcycle, or dirt bike, and/or for any owner of an all-terrain vehicle or mini cycle to knowingly permit its operation on any private property, within the Town, 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 all-terrain vehicle, mini bike, mini motorcycle, or dirt bike.

- (4) This section shall not be applicable to any dirt bike being operated upon any road or highway provided that, (i) said dirt bike is properly and validly registered with the Connecticut Department of Motor Vehicles and (ii) is being operated in compliance with all applicable motor vehicle laws of the state.

10.10.040 Penalties.

- (1) Any person who operates an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 10.10.030(1) and/or 10.10.030(2) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits its operation in violation of subsection 10.10.030(1) and/or 10.10.030(2) above, shall be fined one thousand dollars (\$1,000.00) for a first violation, shall be fined one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined two thousand dollars (\$2,000.00) for a third or subsequent violation.
- (2) Any person aged sixteen (16) or older who rides as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 10.10.030(2) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits a passenger to ride on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 10.10.030(1), shall be fined two hundred fifty dollars (\$250.00).
- (3) Any police officer that observes any person in violation of this section may detain such person for purposes of enforcing the provisions of this section. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike used in violation of this section shall be seized by any police officer and shall be forfeited to the Town, subject to any bona fide lien, lease or security interest in the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, including, but not limited to, a lien under General Statute § 14-66c.
- (4) Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike ordered forfeited pursuant to this section shall be either (i) sold at public auction conducted by the Town, with the proceeds of such sale being paid to the treasurer of the Town who shall deposit such proceeds into the general fund of the municipality, or (ii) be destroyed by the Town. See Connecticut General Statute § 54-339.

10.10.050 Sign Posting Required for All-Terrain Dealers.

Each all-terrain vehicle dealer in Waterford offering for sale, lease or rental any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike shall post this section in a prominent location at said all-terrain vehicle dealer's place of business. Any all-terrain vehicle dealer who violates any provision of this section shall be fined one hundred and fifty dollars (\$150.00).

10.10.060 Sale of Gasoline for Illegal Purposes.

- (1) No retail dealer of gasoline shall sell, offer for sale, or attempt to sell, any article or product represented as gasoline for use in an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike as defined in this Ordinance, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle, as defined in General Statute § 14-1, as may be amended, and no individual shall purchase or attempt to purchase gasoline for this purpose.
- (2) Signs with the words "FUELING OF UNAUTHORIZED VEHICLES PROHIBITED" in English and "PROHIBIDO DESPACHAR GASOLINA A VEHICULOS NO AUTORIZADOS" in Spanish at least one (1) inch in height with a contrasting margin shall be posted at all dispensing locations. The location of warning signs shall be based on local conditions but shall be visible and legible from all gas pumps, subject to zoning sign permits.
- (3) An individual or retail dealer of gasoline who violates any provision of subsections (1) and/or (2) of this section shall be fined two hundred dollars (\$200.00) per each day the violation occurs.

10.10.070 Appeal.

An appeals hearing process shall be made available to the owner or lien holder prior to forfeiture of a motorized recreational vehicle as provided in Ordinance 10.09.070, entitled Hearing Procedures.

Effective Date: This ordinance shall take effect 15 days after final action by the RTM.