



Town of Waterford, Connecticut, Police Commission Meeting Agenda

Training Room at the Waterford Police Department

8/14/2023 5:00 pm

Call to order and establish quorum:

Pledge of Allegiance:

Public input:

Acceptance of minutes: July 17, 2023 Regular Meeting

Correspondence:

- a. Email from Robert Marelli regarding traffic buildup on Cross Road

Daversa Recognition

Traffic Commission Review:

Chief's Report:

- a. K9 Reports for July
- b. Youth Report for July
- c. Investigative Services Report for July
- d. Training Report for July
- e. Records Report for July
- f. Community Service Officer Report for July
- g. Patrol Report for July
- h. Animal Control Report for July
- i. Community Engagement Report for July

Old Business:

- a. Police Chief Selection Process
- b. Four-way-stop at Douglas Lane and Vauxhall Street

New Business:

- a. ATV/Dirt Bike Ordinance
- b. Executive Session for Personnel Discussion



MINUTES (*Amended)
BOARD OF POLICE COMMISSIONERS
July 17, 2023 at 5:00 p.m.

PRESENT: Commissioner C. Gamble, Commissioner R. Brule, Commissioner M. Gelinas, Commissioner T. Sheridan, Commissioner Dimmock by phone

DEPARTMENT: Chief M. Balestracci, LT Ferland, LT Flanagan, Officer M. Sylvestre

CANDIDATES: David Diogo, Alan Ostertag, Dacoda Queenan

PLEDGE OF ALLEGIANCE:

PUBLIC INPUT:

CALL TO ORDER AND ESTABLISH A QUORUM:

Commissioner Gamble called the meeting to order at 5:00p.m. in the General Meeting Room of the Waterford Police Department. A Quorum was established.

ACCEPTANCE OF MINUTES:

MOTION: Made by Commissioner Gelinas and seconded by Commissioner Brule to accept the minutes from the June 12, 2023 Regular Meeting and the June 14, 2023 Special Meeting. Commissioner Dimmock abstained. Motion passed.

CORRESPONDENCE:

Correspondence was reviewed.

TRAFFIC COMMISSION REVIEW:

Chief said discussion would take place later in the meeting under Old Business.

CHIEF'S REPORT:

- a. K9 Reports for June
June report was received.
- b. Youth Reports for June
June report was received.
- c. Investigative Services for June
June report was received.
- d. Training Report for June
June report was received.
- e. Records Report for June
June report was received.
- f. Community Service Officer Report for June
June report was received.
- g. Patrol Report for June
June report was received.
- h. Animal Control Report for June
June report was received.
- i. Community Engagement Report for June
June report was received.

MOTION: Made by Commissioner Sheridan and seconded by Commissioner Gelinas to enter into Executive Session to conduct the Police Officer Candidate interviews at 5:12 p.m. Chief Balestracci was included in the Executive Session. Motion passed unanimously.

The Board came out of Executive Session at 6:05p.m. no votes or actions were taken while in Executive Session.

1. **MOTION:** Motion made by Commissioner Gelinas and Seconded by Commissioner Sheridan to extend conditional offers to candidates David Diogo and Dacoda Queenan for the current vacancies, contingent on the candidates successfully completing the hiring process and background investigations. Passed unanimously.

OLD BUSINESS:

- a. Police Chief Selection Process – Discussion on changes to the Police Chief job description made by the Personnel Review Board (PRB). Chief Balestracci will seek clarification from the Human Resources Director.

- b. Four way stop at Douglas and Vauxhall – Chief Balestracci suggested going forward with the proposed four-way stop at this intersection, with additional signage on the approach to make drivers aware that they must stop. Discussion ensued. Most agreed that with ample warning, the proposed signage will increase the safety of the intersection.

MOTION: Made by Commissioner Sheridan and Seconded by Commissioner Gelinas to approve the four-way stop at the intersection of Douglas Lane and Vauxhall Street. Commissioner Dimmock opposed. Motion passed.

MOTION: Made by Commissioner Sheridan and Seconded by Commissioner Gelinas to adjourn the meeting at 6:16 p.m. Motion passed unanimously.

Respectfully submitted by:



Diane Driscoll
Recording Secretary

Diane Driscoll

From: Marc Balestracci
Sent: Tuesday, August 1, 2023 12:15 PM
To: Diane Driscoll
Cc: Jake Nickerson
Subject: FW: possible rotary

Diane,

Could you please include for the August BOPC meeting.

Thank you,

Marc Balestracci
Chief of Police
Waterford Police Department
41 Avery Lane, Waterford, Connecticut
860-442-9451 Ext. 2282



From: Marc Balestracci
Sent: Tuesday, August 1, 2023 12:12 PM
To: 'robert marelli' <r.marellisr@gmail.com>
Subject: RE: possible rotary

Good afternoon Mr. Marelli,

As you know, this decision would ultimately be from the State of Connecticut, however, the Waterford Police Commission is the Local Traffic Authority and I will bring this request to them at the August 14, 2023 regularly scheduled meeting. In the meantime, I will ask our Traffic Officer to request a check of the light timing at that intersection from the State Electrical representatives to see if we can at least have some improvement on the Cross Road back-up.

The Police Commission meetings are public, held the second Monday of each month here at the Waterford Police Department at 5pm if interested.

Thank you,

Marc Balestracci
Chief of Police
Waterford Police Department
41 Avery Lane, Waterford, Connecticut
860-442-9451 Ext. 2282



From: robert marelli <r.marellisr@gmail.com>
Sent: Monday, July 31, 2023 11:50 AM
To: Marc Balestracci <mbalestracci@waterfordct.org>
Subject: possible rotary

CAUTION: This email originated from outside of the organization.

Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

I submitted a request for a consideration of a possible rotary at Boston Post Rd, Spithead Rd. and Cross Rd [intersection to](#) the Ct dept of transportation. I did this because Boston Post Rd was a state road and the location of this rotary was the states jurisdiction. The state responded to me and stated that I needed to first submit this request to you and if you agree you would forward it to them.

This was my submittal to the State Dept of Transportation

"I travel Cross Rd in Waterford to Rt 1 several times a week. The traffic buildup has been horrendous on numerous occasions. Yesterday it was backed up to the 95 overpass on Cross Rd.. The rotary in Salem Ct has been very successful in the movement of traffic. New London is presently installing one on Jefferson Ave. Even though the Jefferson Ave rotary is still not officially opened, the traffic through this rotary on dirt is similarly successful. For your consideration I would like you to evaluate a rotary at the Cross Rd, Spithead Rd and Route 1 intersection.

i hereby request that you give consideration to this suggestion.

Thankyou
Robert J, Marelli Sr.



WATERFORD POLICE DEPARTMENT TRAFFIC REPORT

•July 2023•

Traffic Complaints:

The Traffic Officer (TO) received numerous complaints involving Park Drive, Braman Road, Oswegatchie Road, Miner Ave and Route 85. Most of these complaints are regarding long standing issues that are continually monitored and worked on by Traffic and Patrol.

Trailer Display Signs

The display signs were used to aid the Utility Dept. within their traffic pattern on Niantic River Road.

Parade Planning

T.O worked with Fire Police and the parade committee to finalize a traffic and security plan for the event. Local businesses impacted were personally contacted by T.O.

Construction Reviews

Blueprints for a Beth El Religious Congregation building on Keyon were reviewed. The parking lot is simple and shouldn't cause any noticeable disruptions to traffic.

Upcoming Events

August 5th John Kelly Road race- Largest race of the season. Route uses RT 213, Pleasure Beach area, back to RT 213 to RT 156 to RT 1. The Roadways will remain open during the race.

August 12th Waterford Parade- Held from the High School to North Road. Roadway will be closed for approximately 1-1.5 hours

August 27th Motorcycle Dream Ride- Route is along RT 85 will little impact on intersections

October 1st ARC Road Race- Pleasure beach area and Great Neck Road- no significant traffic impact.

October 7th Terri Brodeur Marathon- Uses Rope Ferry Road to Gardiners Wood Road to Pleasure beach. No significant traffic issues

October 15th Addy's Run- 5k within Pleasure Beach- No traffic issues

Vauxhall/ Douglas

Planning was competed to carry out the planned 4-way stop at the intersection. Working with Public Works a plan was made to make the intersection as safe as we can with proper signage/advanced warning. Some equipment was on backorder, delaying the implementation.



THE WATERFORD POLICE DEPARTMENT



K-9 Activity Report

July 2023

K-9 Ozzy

Monthly Uses: 5

2023 Uses: 42

K-9 Tico

In Training

Training

Monthly K-9 training was conducted on 07/03 & 7/18 in obedience, tracking, area search, building searches, and apprehension work.

K-9 Usage

Ozzy

- On July 22, 2023 The Groton Town Police Department requested a K9 to search for a suicidal male that left his residence on foot and was last seen walking into the wood line approximately three (3) hours prior. K9 Ozzy was deployed for the search on leash and began tracking down a trail leading into the wood line where the male was seen walking into. K9 Ozzy tracked for approximately 85-90 yards and located a male lying on the ground on the left side of the trail approximately 20 yards ahead of the team. The male was later identified as the suicidal male the team was looking for and was subsequently transported to the hospital for treatment.
- On July 9, 2023 The Norwich Police Department requested a K9 to track a suspect involved in a shooting that fled from a motor vehicle. K9 Ozzy was deployed for a search of the area and did not locate the suspects. The CT State Police also responded to the scene with several K9s and did not locate the suspect, leading officers to believe the suspect was picked up in a vehicle.



Tico

- K9 Tico's training is progressing well. He is currently working on narcotics detection (Heroin, Cocaine, Crack Cocaine, Methamphetamines, MDMA), tracking, building searches, area searches, and apprehension work.
- Tico's training is being done by Master Trainer Lane. Handler Nick Surdo is doing a great job in bonding with Tico and learning about his tendencies.



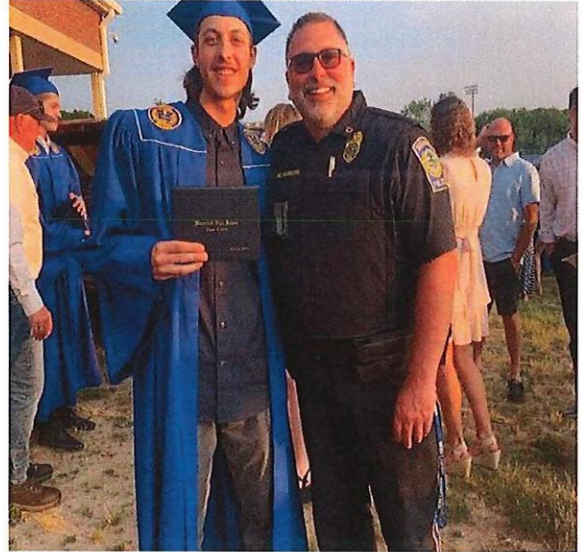
THE WATERFORD POLICE DEPARTMENT

Youth Office Activity Report



July 2023

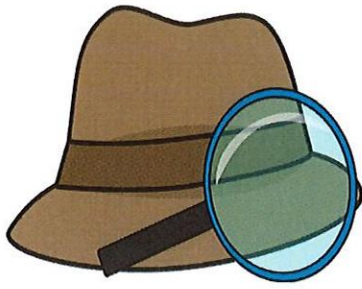
- ♦ SRO Malbourn met with the Eastern Region MDT/CAC Director at the Sexual Assault Crisis Center of Eastern CT, Inc. and a counselor at the Waterford Country School, was also on the zoom meeting. This was in reference to a Waterford Country School student who scored high during a sex trafficking risk assessment. The victim had run away several times from the country school. WPD has a case where he had been arrested for Interfering during an altercation at the Waterford Country School. After the meeting it was determined there was no need for further evaluation.
- ♦ SRO's have been working on coordinating a "save a life tour" which is a comprehensive high impact safe driving awareness course.
- ♦ SRO Lane is in week four of an 8 week K-9 Training course with Officer Surdo.
- ♦ SRO Lane and SRO Malbourn coordinated a "car parade" led by police and fire trucks. The parade was for a young girl who had been hospitalized with a serious illness at Boston Children's Hospital.



Month at a Glance

0 – Home Visits
1– CAD Report
0 – Case Reports
0 – Arrests

SRO Lane & SRO Malbourn continue to meet and talk with students on a daily basis for school, personal, and social related topics in an effort to develop lasting relationships between the department and the youth in our community.



THE WATERFORD POLICE DEPARTMENT

Investigative Services Division



July 2023

In the month of July 2023 the Investigative Services Division worked or assisted with 26 active investigations.

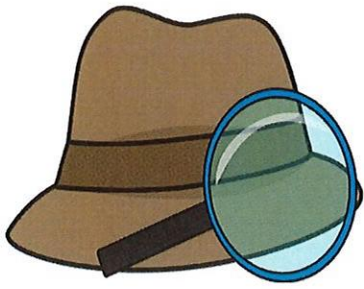
Current Active Investigations (18 Cases):

(These numbers do not include assist's to the Patrol Division)

Homicide—1	Pistol Permits—6
Burglary—2	Narcotics—1
JV Sex Assault—1	Monogram Scam—1
Untimely—2	Reckless Driving—1
Background Check—2	Juvenile Complaint—1

Year to Date Statistical Report

Case Numbers	Search Warrants	Background Checks	Arrests	Sex Assaults
65	21	7	18	9
Ex-Parte's	Auto Theft	Burglary	Unattended Deaths	Robbery
0	1	4	4	1



THE WATERFORD POLICE DEPARTMENT

Investigative Services Division



July 2023

July 2023 Updates:

Permits: There was a large decrease in temporary firearm permit applications in July 2023 with six (6) applicants being processed.

Investigative Services assisted patrol in numerous calls throughout the month of July; by helping to assist in the medical intervention of two young adults located confused in the woods, serving a Habeas Warrant for the Court Officer, as well as assisting in a Firearms Compliance Check.

July 2023 Investigations:

Detective Carroll and Investigator Zaldivar were assigned to complete two (2) background investigations on potential hires for the Waterford Police Department Police Officer position.

Detective Bonkowski submitted an arrest warrant for reckless driving and numerous motor vehicle violations in regards to dirt bikes on the roadways after Detective Bonkowski was able to identify a suspect operator through social media and other resources.

Investigator Zaldivar investigated a report of a juvenile sexual assault that was later determined to be a juvenile risk of injury through impairing the morals of a child. An arrest warrant is being applied for.

On July 20, 2023 Investigative Services assisted Patrol in securing a search warrant in regards to a domestic violence case that later led to an arrest.

After a camper was located and discovered to be stolen out of Southington, CT in the Wal-Mart parking lot by the Patrol Division. Investigative Services was able to investigate further and identify a suspect for the Southington Police Department.

On July 27, 2023 Investigative Services responded to the death of a fifty eight (58) year old male who passed away at his residence later being discovered by a friend. Through Detective O'Connell's investigation it was determined to be due to medical issues.

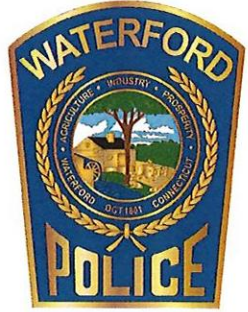
Task Force Report:

In the month of July, the VCTF executed one (1) search warrant resulting in the recovery of narcotics and a firearm. The Task Force assisted in a federal search warrant sweep in New Britain resulting in four (4) handguns being recovered. Lastly, VCTF had approximately six (6) other narcotics and warrant-related arrests as well as assisting in the arrest of a shooting suspect from a Norwich incident.

THE WATERFORD POLICE DEPARTMENT



TRAINING REPORT JULY 2023



New Officer Updates

Hiring Process: The Waterford Police Department continues its efforts in recruiting and hiring. The hiring process for entry level and certified officers is open and will remain open for the next several months. Two candidates were issued conditional offers in our current hiring process and since then have successfully completed their polygraph examination. Now the two candidates have to successfully pass a psychological examination and a background check before being officially hired.

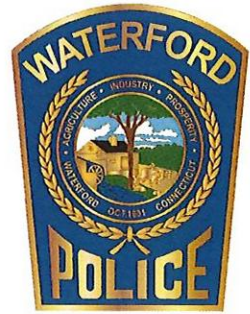
Recruit Status: Recruit Andrew Reed graduated from his training at the Law Enforcement Council (LEC) Eastern Regional Police Academy on July 19. Recruit Reed started his twelve to sixteen week Field Training Program. His primary Field Training Officer is Officer Winters and he will be with him until mid August, before moving on to phase two with Officer Genung.





TRAINING REPORT

JULY 2023



Officer Bushwack and Officer Caler attended a one-day Seated Battery SFST's Transition Training at the Office of Chiefs States Attorney in Rocky Hill, CT. The training focused on a review of the Standardized Field Sobriety Tests associated with a DUI, as well as an initial introduction in the administration and evaluation of those tests while seated, and other seated Standardized Field Sobriety Tests as well. The training had live testing subjects as well. This training is good for knowing how to test a boater who is under the influence.

Officer Fredricks attended a two-day training hosted by Spector Training: Promoting Positive Youth Development at the East Hartford Police Department. The training offered a variety of topics related to fostering healthy relationships with children and adolescents. Some of the topics covered were best practices in juvenile interview and interrogation, teen drug use and violence, mental health issues, and social media use just to name a few.

Lieutenant Ferland and Sergeant Gelinas attended a one-day training on How to Build a State Accreditation Assessment at POSTC Academy in Meriden, CT. The training provided a hands-on experience on how to build an accreditation assessment for our agency.

Officer Bushwack attended a three-day training hosted by TD Forensics: Practical Aspects of PEER Support and Officer Wellness at Foxwoods. This training provided information on how to create and implement a peer support team on both a state and regional level. It also focused on how to support team members individually as well as how to sustain the team overtime. Lastly, the training provided information on wellness and mental health with how it pertains specifically to first responders.

The Waterford Police Department Records Department Activity for JULY 2023

This activity reflects daily activity for the reporting month inclusive of; administrative and court paperwork or processing, contact with members of the public, and state or federal mandated reporting requirements.

Ticket/Written Warning Entries	Freedom of Information Requests	Motor Vehicle Accident Entries	Warrants (Entering or clearing)	Phone calls	Walk in Lobby Window	Background Check Requests
270	122	40	29	133	122	6

Protective Order Entries	Officer Tasking Requests	Case Erasures	State/Federal Report Entries	Supervisor Tasking Requests	DCF Requests
32	25	251	0	16	10

Court Request	Case Copies	Abstracts
27	3	305

- Legislative changes have mandated the automatic erasure of marijuana possession convictions from the years 2000-2015 as well as additional "Clean Slate Erasures dating back to 2000. These erasures represent a substantial increase as personnel work to relieve the backlog of records.



CSO Monthly Statistical Report July 2023



Waterford Arrests

#

Adult	15
Juvenile	0
Total Processed	15

Fingerprints

#

Pistol Permits	9
Employment	25
Miscellaneous	3
Peddler / Precious Permits	4
Total Fingerprints	41

Firearms

#

Firearms Transfer	49
Pistol Permits Issued	4

Initial Complaints (3A's)

#

Total	69
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- CSO's covered 59 shifts during the month.
- Training has started for the two new CSO's that have been hired



Patrol Report

Commissioners Activity Report
July 2023



Pursuit of Shooting Suspect: Firearm Recovered

On July 9, 2023 at 0330 hours OFF Caler was monitoring local radio traffic when he heard a broadcast for a shooting in NL. It was reported that the shooter had fled in a Chevy truck and was heading West on RTE 1 into Waterford. Caler joined a NL officer and pursued the vehicle until it became disabled near Tiffany AVE. The operator was taken into custody and the passenger (suspected shooter) fled on foot. Midnight shift set up a perimeter and after a K9 track the suspect was located and taken into custody. A firearm was located on his person.



Patrol Calls for Service Monthly Snap Shot:

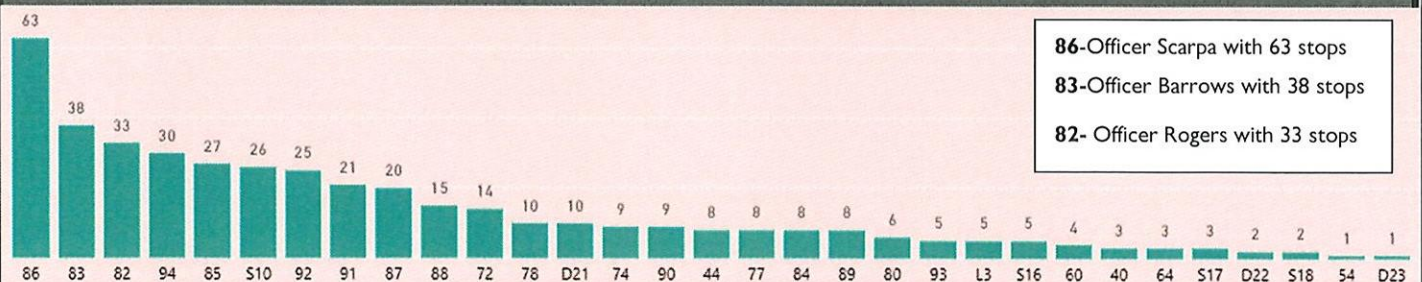
Total Service Calls	2561
Case Numbers	180
Arrests	75
Juvenile Arrests	6
Larcenies	28
Arrest Warrants	9
Domestic Violence Investigations	10
Traffic Crash	59
DUI Investigations	8
EDP/Welfare Check	34
School Checks	41
Motor Vehicle Stops	422
Written Warnings	119
Infractions	64
Verbal Warnings	214
Misdemeanor	25

Wanted Subject: Located by WPD

On July 15, 2023 a male suspect that had been the subject of a statewide manhunt was located by Sgt. Epps in the Target Lot in a stolen U-Haul. The wanted man had felony warrants held by Monroe PD and the CSP. The subject, in possession of approximately \$3,300.00 worth of stolen decking from Lowes, fought with Officer Epps and was eventually taken into custody and charged with Larceny 1st, Larceny 3rd, Criminal Trover, Criminal Attempt to Assault an Officer, and Interfering with an Officer.



SELF INITIATED MOTOR VEHICLE ACTIVITY BY BADGE NUMBER





Bike Patrols at Waterford Beach

The Waterford Police Department bike unit has recently been utilized at the summer concerts which are put on by Waterford's Park and Recreation department. Bike Officers assigned to the detail are able to interact with the public, move through the crowds, and deal with traffic control in an efficient manner while on our police bikes.



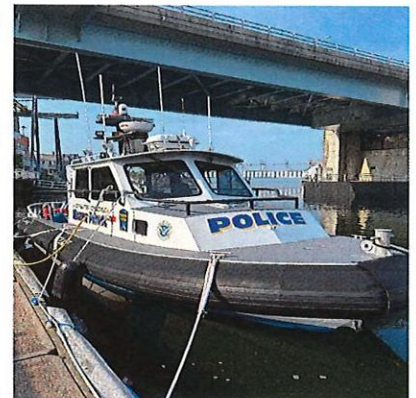
Suspicious MV Results in Arrest

On July 13, 2023 at 0302 hours Officer McComic was conducting a business check of Stop & Shop. While in the parking lot he observed a suspicious U-Haul with Arizona registration plates with the rear hatch slightly ajar. Officer McComic located a subject in the back of the U-Haul who had three extraditable Felony Warrants out of New Hampshire, Massachusetts, and New Jersey. The subject was taken into custody as a fugitive from justice, held on \$100,000 bond, and then transported to court to begin the formal extradition process.



Marine Patrol responds to 2 major incidents:

On July 7, 2023 the WPD received an "Everbridge Message" from the SECT regional marine group for a man overboard several miles off the coast of New London, CT. Det. Bonkowski and Det. Carroll, responded to the scene. While on scene assisting the USCG in the search, the subject was located (alive) by a good samaritan and air lifted to a local hospital for further treatment.



On July 14, 2023 Det. Carroll and Inv. Zaldivar heard a USCG BOLO for a subject in the water in distress in the Niantic Bay. Marine patrol units, while on patrol, used the GPS coordinates and located the elderly distressed male hanging onto a windsurfer. He was thrown a life ring and rescued from the water.



In the Community Interest





Monthly Report July 2023

	WATERFORD	EAST LYME
CALLS FOR SERVICE	108	33
AFTER HOURS CALL OUTS	3	3
TICKETS ISSUED	1	0
WARNINGS ISSUED	2	0
DOG BITES	7	4
ANIMALS REDEEMED	11	1
ANIMALS ADOPTED	3	7
ANIMALS DOA	1	2
EUTHANIZED	1	0
ANIMALS PROCESSED TOTAL	16	10
TOTAL MONEY TAKEN IN	\$265.00	\$ 320.00
DONATIONS TAKEN IN	\$110.00	\$ 5.00

Animal Control Officer _____

- 1) 07/17/23 ACO assisted elderly citizen, no family in area, her dog died inside the house, dog was a 100 pounds and she waited two days in the July heat before calling us for help. We immediately responded and removed the dog for her.



- 2) 7/18/23 citizen locates and brings in a sick, stray cat, showing severe neurological issues, cat taken to vet, humanely euthanized and sent to state lab for testing, cat ultimately tests negative for rabies. There are several other reasons an animal might be showing neurological symptoms, however rabies is always a major concern as the virus is 100% fatal to everyone and everything if not treated in time.



- 3) 07/21/23 Animal control locates and recaptures a roaming bearded dragon lizard that had escaped a week prior. This reptile was almost a foot long and had escaped out a screen window to go on an adventure.

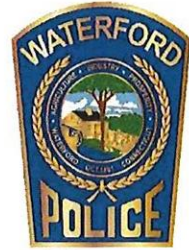


- 4) 07/24/23 ACO's issued another infraction to a citizen for the tenth, yes 10th time their dogs had been found roaming and impounded. We always try to handle issues with education instead of enforcement, our usual course of action is verbal warnings then written warnings, then by the third offense, no one can really complain when they get an infraction. But for this citizen it was his 10th offense and his 8th infraction.





THE WATERFORD POLICE DEPARTMENT



Community Engagement Report July 2023

Interaction with Youth Services: Visited Camp Dash, Summer Playground and Summer Academy multiple times. Attended First Responder Days at those locations. Obtained the Waterford Police Department's donation for the Waterford Baby Shower.

Interaction with Senior Services: Spoke to residents of Victoria Gardens about crime prevention. Visited residents at Bayview Health Care and New London Rehab & Care. Attended Waterford Senior Services Coffeehouse Day and Beach Day.

Domestic Violence Follow-ups: Conducted 6 follow-ups with DV victims.

Internships: Mackenzie Andrews, a University of New Haven student, was selected to be the Fall Intern.



Comfort dogs converge on Brown to share the power and potential for campus K9 programs
Brown's K9 program at Public Safety is a K9 and Canine Program, including law enforcement personnel and community members alike.

Assistance to Youth Officers: Spoke about traffic stop safety at Rae's Driving School. Hodges visited the Waterford Board of Education Offices and administration staff at the Waterford High School and Clark Lane Middle School. Visited the Avery Point Transition Program Students multiple times.

K-9 Officer Hodges: Visited the Waterford Utility Commission. Interacted with attendees at the Waterford Farmers Market and the Waterford Library's Read to Hodges Event. Hodges returned to Bedford Hills Correctional Facility in New York for two weeks while Officer Fredricks was on vacation. Hodges got to interact with the inmates that raised him. They also confirmed that his training is up to standard with Officer Fredricks. Interacted with East Hartford Police Officers and various School Resource Officers during a Police & Youth Engagement Training.

Recruiting: Spoke to various Waterford retail stores for permission to have recruitment tables setup in the future.

Shop with a First Responder: Organized an event where 8 Waterford children were each given a \$100 Walmart gift card to purchase back to school supplies. Various first responders shopped with them at the Waterford Walmart. Walmart McDonald's donated food to the kids and Joshua's Worldwide donated a bus to transport the kids.

Officer Wellness: Interacted with families of fallen police officers at Mystic Aquarium for their Connecticut Police Memorial Event.

Cops & Comfort Dogs Symposium: Presented the Waterford Police Community Policing/Facility K-9 Program to police officers from multiple states at a Comfort K-9 Training at Brown University in Providence, RI.

Sec. 20-11. All-terrain vehicles, mini bikes, mini motorcycles and dirt bikes on streets and public property prohibited.

- (a) *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 city.

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 ride, 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 city 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; and
 - (7) Any electronic assistive mobility device as defined by the City Code.
- (b) *Operations prohibited.*
- (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, mini 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 city or on any public property, including but not limited to school property, playgrounds and parks, within the city.

- (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 city, 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.
- (c) *Penalty.*
- (1) Any person who operates an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(1) and/or (b)(3) 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 (b)(1) and/or (b)(3) above, shall be fined up to one thousand dollars (\$1,000.00) for a first violation, shall be fined up to one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined up to two thousand dollars (\$2,000.00) for a third or subsequent violation.
 - (2) Any person who rides as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(1) 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 (b)(2), shall be issued a citation.
 - (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 city, 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 city, with the proceeds of such sale being paid to the treasurer of the city who shall deposit such proceeds into the general fund of the municipality, or (ii) be destroyed by the city.
- (d) *Posting by all-terrain vehicle dealer.* Each all-terrain vehicle dealer 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 dollars (\$100.00).
- (e) *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 section, 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.

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- (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.
 - (3) An individual or retail dealer of gasoline who violates any provision of subsections (1) and/or (2) of this section shall be fined one hundred dollars (\$100.00).

(Ord. No. 06-18-18-3, § 1)

Editor's note(s)—Ord. No. 06-18-18-3, § 1, did not specify manner of inclusion; hence, inclusion as section 20-11 is at the discretion of the editor.