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ATTEST: *David L. Campo*  
TOWN CLERK

## MINUTES

### PUBLIC PROTECTION & SAFETY STANDING COMMITTEE OF THE RTM PUBLIC HEARING & SPECIAL MEETING

**Monday, July 21, 2025**

**6:00 P.M. - Waterford Town Hall, Louise Appleby Room**

The July 21, 2025 Public Hearing of the Public Protection & Safety Standing Committee of the RTM was called to order by Chairperson Tim Condon at 6:00 P.M.

#### ROLL CALL

Present: Thomas Dembek, Kathy Mullen Kohl, Tim Condon, Narciss Greene

Absent: Shawn Monahan

Also Attending: Town Clerk David L. Campo, Town Attorney Robert Avena, RTM Member Susan Driscoll, RTM Member Mary Childs, Fire Marshall Stephen Dubicki, Director of Fire Services Chris Haley, Chief of Police Marc Balestracci.

The Public Hearing opened at 6:01 P.M. in regard to the Waterford Code of Ordinances, Chapter 8.33 – Open Burning and Chapter 10.10 – All-Terrain Vehicles Ordinance.

PUBLIC COMMENT: None

Town Attorney spoke in regards to 10.10.010 Declaration of Policy.

MOTION by Greene, seconded by Dembek, to close the public hearing at 6:15 P.M.

VOTING IN FAVOR: Unanimous

The July 21, 2025 Special Meeting of the Public Protection & Safety Standing Committee of the RTM was called to order by Chairperson Tim Condon at 6:16 P.M.

#### ROLL CALL

Present: Thomas Dembek, Kathy Mullen Kohl, Tim Condon, Narciss Greene

Absent: Shawn Monahan

Also Attending: Town Clerk David L. Campo, Town Attorney Robert Avena, RTM Member Susan Driscoll, RTM Member Mary Childs, Fire Marshall Stephen Dubicki, Director of Fire Services Chris Haley, Chief of Police Marc Balestracci.

AGENDA ITEM 3: Minutes

MOTION by Mullen Kohl, seconded by Greene, to approve the minutes from the June 30, 2025 meeting.

VOTING IN FAVOR: Unanimous

AGENDA ITEM 4A: **Open Burn Ordinance, RTC 12/04/23**

MOTION by Dembek, seconded by Mullen Kohl, to report issue out of committee and recommend the proposed ordinance to allow the Fire Marshall to issue Open Burn Ban. (See attachment)

VOTING IN FAVOR: Unanimous

AGENDA ITEM 4B: **ATV and Dirt Bike Ordinance Consideration, RTC 10/02/23**

MOTION by Dembek, seconded by Mullen Kohl, 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)

VOTING IN FAVOR: Unanimous

AGENDA ITEM 4C: No discussion

AGENDA ITEM 4D: No discussion

MOTION by Dembek, seconded by Mullen Kohl, to adjourn at 6:25 P.M.

VOTING IN FAVOR: Unanimous

Respectfully submitted,  
Timothy Condon  
Chairperson

# DRAFT

## Chapter 8.33 OPEN BURNING

- 8.33.010 Declaration of Policy.
- 8.33.020 Prohibition.
- 8.33.030 Open Burning Official; permit procedures.
- 8.33.040 Excluded open fires; required permits.
- 8.33.050 Standards for open burning permits.
- 8.33.060 Outdoor burn ban.
- 8.33.070 Violations and penalties.

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### 8.33.010 Declaration of Policy.

The Town Fire Marshal is increasingly concerned about safety and environmental impacts associated with the open burning of brush and other materials. To seek to ensure that the health and safety of its residents is safeguarded, the Representative Town Meeting (RTM), pursuant to the authority of Section 7-148 and Section 22a-174 of the Connecticut General Statutes, hereby enacts legislation prohibiting all open burning except as noted.

### 8.33.020 Prohibition.

Except as hereinafter provided, no person shall set, cause or permit an open fire within the limits of the Town of Waterford. As used herein, "person" means an individual, firm, partnership or corporation. As used herein, "open burning" means the burning of any matter in such manner that the products of combustion from the burning are emitted directly into the ambient air without passing through an adequate stack or flue. Open burning thus includes burning done in simple outdoor structures such as barrels and drums as well as on the ground surface.

### 8.33.030 Open Burning Official; permit procedures.

- A. The First Selectman shall appoint one or more Open Burning Officials of the Town of Waterford who shall be solely responsible for the issuance of permits for those open fires excluded from the prohibition of section 8.33.020 of this chapter.
- B. A permit application for any permitted open fire shall be made on forms furnished by the Open Burning Official. Each application shall describe the purposes of the fire, the

nature and quantity of the materials to be burned and such other information as the Open Burning Official may require.

- C. A permit issued under this section shall be applicable only for the occasion or the purpose for which it was obtained.

**8.33.040 Excluded open fires; required permits.**

- A. A permit shall not be required for the following open fires:

- (1) Barbeques or other outdoor open fires for the purpose of cooking food for human consumption.
- (2) Fires to abate an immediate fire hazard, provided that the abatement fire is supervised by a responsible fire official.
- (3) Fires for training firefighters in methods of fighting fires as authorized by the Fire Marshal and/or Fire Chief.
- (4) Fires in an outdoor fireplace (i.e., chimineas, patio hearths, fire rings). Outdoor fireplaces must be noncombustible and specifically designed to hold outdoor fires. Fires shall not exceed four feet in diameter and only untreated natural wood is permitted to be burned. Fires must be a minimum of 10 feet from any structure. Drums of any kind shall not be permitted.
- (5) Fires in salamanders or other similar devices used by construction or other workers for heating purposes, which fires are essential to street installation or paving activities, the repairing of utilities, or other similar work.

- B. Permits shall be required for the following open fires:

- (1) Fires for the prevention, control, or destruction of diseases and pests, and agricultural burning for vegetation management.
- (2) Campfires, bonfires or other fires for ceremonial or recreational purposes, including cooking fires, that do not meet the standards as defined in Subsection A(4) above.

- C. Permits are required for the following open fires and may only be issued by the Commissioner of the Department of Environmental Protection or his designee:

- (1) Fires for the disposal of dangerous material such as toxic gases where there is not a reasonable alternative method.
- (2) Fires to thwart a hazard which cannot properly be managed by any other means or is necessary for the protection of public health.

## **8.33.050 Standards for open burning permits.**

The Open Burning Official shall not issue a permit when it is determined that:

- A. A hazardous health condition will be created by such burning;
- B. The fire constitutes a salvage operation by open burning;
- C. A practical and alternative method for the disposal of the material to be burned exists, including but not limited to the following techniques: chipping, cutting for forest products, land filling, piling for protective cover for wildlife and stockpiling;
- D. Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard;
- E. The forest fire danger, as determined by the state forest fire warden, is high or extreme and the area is within 100 feet of a woodland or grassland;
- F. An advisory of an air pollution emergency episode state is in effect; or
- G. Garbage, paper, grass, metals, plastics, leaves, rubber, painted materials or demolition waste is to be burned.

## **8.33.060 Outdoor burn ban.**

- A. Whenever the state DEEP issues an outdoor burning ban on state properties, the Town Fire Marshal is hereby authorized to issue a similar townwide ban.

## **8.33.070 Violations and penalties.**

- A. The Fire Marshal, police officer, and any Fire Department officer having jurisdiction, after having been made aware of a particular open fire and having satisfied themselves as to the circumstances and applicable requirements, shall cause any fire not specifically permitted by this ordinance or any fire deemed a hazard or nuisance, to be immediately extinguished, and may summon the fire service to accomplish this extinguishment.
- B. Any person who violates this chapter shall be fined \$250.00. Each singular daily event shall be considered a separate violation.

(See Attachment A - Policies for Open Burning in Waterford)

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



**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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**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.