

RESOLUTION

Item #33671

RE:

To Her Honor, the Mayor, and the Common Council of the City of New Britain:
the undersigned begs leave to recommend the adoption of the following:

Resolution Summary: INTENT AND PURPOSE. To amend Article VII of Chapter 15 of the ordinances to provide for regulation of mini-motorcycles, dirt bikes, all-terrain vehicles and snowmobiles including applicable penalties and forfeiture.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Chapter 15, Article VII of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

ARTICLE VII. - MOTOR SCOOTERS, MINIBIKES, POCKET BIKES, BICYCLES WITH HELPER MOTORS

Sec. 15-147. - Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor scooter, minibike, pocket bike and bicycle with helper motor shall mean any wheeled device designed for the transport of one (1) or more persons which is powered by any type of motor, except:

- (1) Any motorcycle or motorized bicycle as defined in state statutes;
- (2) Any vehicle registered as a motor vehicle by the registrar of motor vehicles or lawfully exempt from such registration;
- (3) Any wheelchair by a person with physical disabilities or Any similar mobility-assisting device used or by a person whose ambulatory mobility has been impaired by age, illness or physical ailment or electric personal assistive mobility devices;
- (4) Any self-propelled snow plows, snow blowers and lawn mowers when used for the purposes for which they were designed and operated at speeds not exceeding four (4) miles per hour;
- (5) Any moped or scooter which meets Federal Department of Transportation and State Department of Transportation guidelines for on-road transportation and whose owners-manual specifically indicates an ability to be driven on public roads.

(6) Any vehicle owned or leased by the City of New Britain.

Dirt Bike shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designated to travel on a public road;

Mini motorcycle shall means a vehicle that has no more than three wheels in contact with the ground, has a manufactured seat height of less than twenty-six inches and is propelled by an engine having a piston displacement of less than 50 c.c.;

Snowmobile shall mean any self-propelled vehicle designed for travel on snow or ice; and

All-terrain vehicle means a self-propelled vehicle designed to travel over unimproved terrain.

(7) These exceptions do not apply to Section 15-148 (b).

(Ord. No. 28181-2, 9-14-04)

Sec. 15-148. - Operations prohibited.

(a) ~~Notwithstanding any other provision of this Code, any person who operates any motor scooter, minibike, pocket bike or bicycle with a helper motor on any portion of any public or private street shown on the official map of the city, including the sidewalk area of any such street, or on any other public property, including schools, playgrounds and parks, within the City of New Britain, shall be fined ninety dollars (\$90.00).~~ Pursuant to Sections 7-148a and 14-390m of the Connecticut General Statutes and notwithstanding any other provisions of this code, any person who operates any motor scooter, minibike, pocket bike, bicycle with a helper motor, mini-motorcycle, dirt bike, all-terrain vehicle, or snowmobile on any portion of any public or private street shown on the official map of the city, and/or any public property, including sidewalks, playgrounds and parks within the City of New Britain or on watershed property owned by the City of New Britain and located in another municipality shall be fined one thousand dollars (\$1,000.00) for a first violation, one thousand-five hundred dollars (\$1,500.00) for a second violation and two thousand dollars (\$2,000.00) for a third or subsequent violation.

(b) Pursuant to Sections 7-148a and 14-390m of the Connecticut General Statutes and notwithstanding any other provisions of this code, any person who operates any vehicle, motor scooter, minibike, pocket bike, bicycle with a helper motor, mini-motorcycle, dirt bike, all-terrain vehicle, snowmobile on any watershed property in the City of New Britain or any watershed property owned by the City of New Britain and located in another municipality shall be fined one thousand dollars (\$1,000.00) for a first violation, one thousand-five hundred dollars (\$1,500.00) for a second violation and two thousand dollars (\$2,000.00) for a third or subsequent violation

(b̄c) Any vehicle which is in violation of subsection (a) shall be subject to seizure and forfeiture by the City of New Britain subject to any bona-fide lien, lease or security

interest in said vehicle including but not limited to a lien under Section 14-66c of the Connecticut General Statutes. No seizure and forfeiture may take place if the violation was committed by a third party and the owner or lienholder did not know and could have not reasonably known that the vehicle was being used in violation of this ordinance.

~~(cd) Whenever any police officer observes any person in violation of this section, he or she may detain such person for purposes of the enforcement of this section and may remove such motor scooter to a secure area pending a disposition of such property by court order or otherwise by law. Any vehicle seized and forfeited pursuant to this section shall be sold at public auction conducted by the City of New Britain and the proceeds of such sale shall be paid to the City Treasurer and deposited into the general fund.~~

(de) Any person who rides as a passenger on any motor scooter operated in violation of the above shall be fined fifty dollars (\$50.00).

(Ord. No. 28181-2, 9-14-04; Res. No. 28659-2, 8-18-05)

<i>Ald. Polkowski moved to accept and adopt, seconded by Ald. Giantonio. So voted. Approved December 19, 2016 by Mayor Erin E. Stewart. ADOPTED 12/21/2016</i>
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