

RESOLUTION

Item #34304-2

RE: ALL-TERRAIN AND SIMILAR VEHICLES

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 the definitions of all-terrain and similar vehicles in Section 15-147 of the Code of Ordinances and to add a new section to prohibit the sale of gasoline for use in all-terrain and similar vehicles.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Article VII of Chapter 15 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.

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:

All-terrain vehicle shall mean a self-propelled vehicle designed to travel over unimproved terrain as defined in Section 14-379 of the Connecticut General Statutes and which has been determined by the Commissioner of Motor Vehicle to be unsuitable for operation on the public roads.

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, as defined in Section 14-1 of the Connecticut General Statutes. ~~Dirt bike does not include an all-terrain vehicle as defined in Connecticut General Statutes Section 14-379 or motor-driven cycle as defined in Section 14-1;~~

~~Mini-motorcycle shall~~ Motor-driven cycle means a vehicle any motorcycle, motor scooter, or bicycle with an attached motor which ~~that has no more than three (3) wheels in contact with the ground,~~ has a manufactured seat height of not less than twenty-six (26) inches and is propelled by an engine having a piston displacement of less than fifty (50) c.c.;

Motor scooter, minibike, pocket bike, mini-cycles, mini sport bikes, mini motorcycles, chopper scooters, and any other similar wheeled vehicle or bicycle ~~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 used by a person with physical disabilities or any similar mobility-assisting device used 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 owner's manual specifically indicates an ability to be driven on public roads.

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

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

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

Sec. 15-148. - Operations prohibited.

(a) 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.

(c) 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 section.

(d) 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.

(e) 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; Res. No. 33671-2, 12-22-16)

[NEW] Sec. 15-149. Sale of gasoline for illegal purposes.

(a) 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, dirt bike, motor-driven cycle, mini-motorcycle, motor scooter, minibike, mini-cycle, mini sports bike, chopper scooter or pocket bike as defined in Section 15-147 of the Code of Ordinances, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle as defined in G.S. § 14-1, and no individual shall purchase or attempt to purchase gasoline for this purpose.

(b) Signs with the words "FUELING OF UNAUTHORIZED VEHICLES PROHIBITED" in English 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.

- (c) Section 15-149 shall be enforced by the New Britain Police Department.
- (d) An individual or retail dealer of gasoline who violates any provision of subsections (a) or (b) shall be fined two hundred fifty dollars (\$250.00) for each offense.

APPROVED BY MAYOR ERIN E. STEWART JULY 13, 2018. ADOPTED 7/18/2018.