

## **ORDINANCE #1721**

**ENACTED 9/16/13**

**25 AYES 0 NOS**

### **ORDINANCE AMENDMENTS REGARDING DIRT BIKES AND ALL-TERRAIN VEHICLES, INCORPORATING THE PROVISIONS OF PUBLIC ACT 13-154 OF THE CONNECTICUT GENERAL ASSEMBLY.**

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**WHEREAS:** The illegal operation of dirt bikes and all terrain vehicles has increased dramatically over the past several years and has a negative impact on all New Haven neighborhoods in safety and quality of life, having been involved in numerous, sometimes deadly, incidents; and

**WHEREAS:** dirt bike riders in parks, in the street and on sidewalks are often unlicensed, ineligible for a motor vehicle on the basis of age, are unaware or disregarding of motor vehicle laws; and

**WHEREAS:** on May 2, 2005, responding to the concern of New Haven residents for a safe and appealing quality of life in their city, the New Haven Board of Aldermen enacted an ordinance prohibiting dirt bikes, all terrain vehicles and similar vehicles from all public ways; and

**WHEREAS:** the ordinance authorizes police to temporarily take such vehicles into custody if they are operated illegally; and

**WHEREAS:** despite the ordinance, there was an urgent need to give the city better tools to fight the illegal operation of dirt bikes and all terrain vehicles, with an increasing number of such vehicles operated illegally in New Haven, creating a significant public safety hazard, as well as annoying, harassing and even terrorizing residents; and

**WHEREAS:** the necessity of state legislative action was emphasized at a November 11, 2012 Aldermanic public hearing convened to revisit this growing concern, when dirt bike riders indicated they operate recklessly for the thrill of it and do not intend to abide by laws unless actually arrested; and

**WHEREAS:** at that same public hearing, New Haven residents from all neighborhoods in the city expressed their fear for their children, the elderly or themselves, while walking on the sidewalk or attempting to enjoy a park, and also complained about the noise and fumes from these illegally operated vehicles; and

**WHEREAS:** in response to the outcry on this issue from citizens, an item was filed with the Board that urged the Connecticut General Assembly to implement enabling legislation allowing Connecticut municipalities more tools to enforce laws regarding the illegal operation of dirt bikes and all-terrain-vehicles; and

**WHEREAS:** the Connecticut General Assembly responded to the calls from New Haven citizens and this Board for action by enacting Public Act 13-154, effective October 1, 2013, which greatly stiffens the fines for illegal use of dirt bikes and all-terrain vehicles, allowing the city to impose a \$1,000 penalty for a first violation, \$1,500 for a second, and \$2,000 for a third or subsequent violation.

**NOW, THEREFORE, BE IT ORDAINED** that the New Haven Code of Ordinances is amended as follows:

**ORDINANCE AMENDMENTS REGARDING DIRT BIKES AND ALL-TERRAIN VEHICLES, INCORPORATING THE PROVISIONS OF PUBLIC ACT 13-154 OF THE CONNECTICUT GENERAL ASSEMBLY.**

Additions [Deletions]

New Haven Code of General Ordinances, amend as follows, effective as of October 1, 2013:

**First -**

To Article VI title, add "Dirt Bikes"

To Article VI, Pocket Bikes, Mini Bikes, Dirt Bikes, Motorized Bicycles, Etc.

**Second -**

To Article VI, Sec. 29-131. "Definitions", between "Pocket bikes, mini bikes, mini cycles, mini sport bikes... and mini motorcycles ...", add "dirt bikes", as follows:

Pocket bikes, mini bikes, mini cycles, mini sport bikes, dirt bikes, mini motorcycles...

**Third -**

To Article VI, Sec. 29-131. Add a new subsection (1) and renumber existing subsections (1) as "(2)" through (7) as "(8)" as follows:

"(1) "dirt bike" means a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, as defined in section 14-1 of the Connecticut General Statutes;"

**Fourth -**

To Article VI, Sec. 29-132 - Operations prohibited, add "or dirt bike" after each mention of "mini cycle", as follows:

(a) It shall be unlawful for any person to operate a mini cycle or dirt bike and/or for any owner of a mini cycle or dirt bike to knowingly permit the operation of his/her mini cycle or dirt bike on any street or sidewalk in the City of New Haven or on any public property, including but not limited to school property, playgrounds and parks, within the city.

(b) It shall be unlawful for any person to ride as a passenger on a mini cycle or dirt bike and/or for any owner of a mini cycle or dirt bike to knowingly permit any person to ride as a passenger on his/her mini cycle or dirt bike operated in violation of subsection (a) above.

(c) It shall be unlawful for any person to operate a mini cycle or dirt bike, ride as a passenger on a mini cycle or dirt bike, and/or for any owner of a mini cycle or dirt bike 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 mini cycle or dirt bike.

**Fifth -**

To Article VI, Sec. 29-133. - Penalty., add a new subsection "(f)" as follows:

(f) A penalty for operation of a dirt bike in violation of Sec. 29-132 of this ordinance may be imposed according to the provisions of Public Act 13-154 of the Connecticut General Assembly.

**Sixth -**

To Article 1, Sec. 29-13, delete the first and second paragraphs and insert the following two paragraphs in its place, as follows:

"It shall be unlawful and prohibited for any person to ride or drive three-wheel or four-wheel all terrain motor vehicles [on streets, sidewalks or public ways] on any street or sidewalk in the City of New Haven or on any public property, including but not limited to school property, playgrounds and parks, within the city.

Any person who operates a three-wheel or four-wheel motor vehicle on any street, sidewalk or public way shall be subject to [a fine of not less than ninety-nine dollars (\$99.00) for each offense] a fine according to the provisions of Public Act 13-154 of the Connecticut General Assembly."

Except as herein amended, the New Haven Code of General Ordinances shall remain in full force and effect