

CITY OF WATERBURY CODE OF ORDINANCES CHAPTER 100

AS AMENDED JULY 15, 2024

CHAPTER 100: MOTORIZED RECREATIONAL VEHICLES

§ 100.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE. A self-propelled vehicle designed to travel over unimproved terrain that has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under Conn. Gen. Stat. Chapter 246.

DIRT BIKE. A two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, as defined in Conn. Gen. Stat. § 14-1. ***DIRT BIKE*** does not include an all-terrain vehicle, as defined in Conn. Gen. Stat. § 14-379, or a motor-driven cycle, as defined in Conn. Gen. Stat. § 14-1.

MINI-MOTORCYCLE. A vehicle, as defined in Conn. Gen. Stat. § 14-1, that (1) has not more than three wheels in contact with the ground, (2) has a manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion without the rider, and (3) is propelled by an engine having a piston displacement of less than 50 cubic centimeters.

OPERATE. To control the course of or otherwise use a dirt bike, snowmobile, all-terrain vehicle, mini-motorcycle, or similar vehicle.

SNOWMOBILE. Any self-propelled vehicle designed for travel on snow or ice, except vehicles propelled by sail.

The terms ***DIRT BIKE***, ***SNOWMOBILE***, ***ALL-TERRAIN VEHICLE***, and ***MINI-MOTORCYCLE*** shall not be deemed to include any of the following:

- (1) Any registered “motorcycle” as defined in the Conn. Gen. Stat. § 14-1(46);
- (2) Any registered “motor vehicle” as defined in Conn. Gen. Stat. § 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 other City of Waterbury Municipal 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 miles per hour;
- (6) Any vehicle owned or leased by the City of Waterbury; and
- (7) Any electric personal assistive mobility device (hereinafter “EPAMD”) that is self-balancing, has two non-tandem wheeled devices, is designed to transport only one person, and has

an electric propulsion system that limits the maximum speed of the device to not more than fifteen miles per hour.

For the purposes of §§ 100.02 and 100.99 of this chapter, the terms *DIRT BIKE*, *SNOWMOBILE*, *ALL-TERRAIN VEHICLE*, and *MINI -MOTORCYCLE* as defined in this section, shall be collectively referred to as *MOTORIZED RECREATIONAL VEHICLE(S)*.

§ 100.02 OPERATIONS PROHIBITED.

(A) It shall be unlawful for any person to operate a motorized recreational vehicle and/or for any owner of a motorized recreational vehicle to knowingly permit the operation of his or her motorized recreational vehicle on any street or sidewalk in the City of Waterbury or on any public property, including but not limited to school property, playgrounds and parks, within the city or any property owned by the City of Waterbury that is outside of the City of Waterbury.

(B) It shall be unlawful for any person to ride as a passenger on a motorized recreational vehicle and/or for any owner of a motorized recreational vehicle to knowingly permit any person to ride as a passenger on his/her motorized recreational vehicle operated in violation of division (A) of this section.

(C) It shall be unlawful for any person to operate a motorized recreational vehicle, ride as a passenger on a motorized recreational vehicle, and/or for any owner of a motorized recreational vehicle to knowingly permit its operation on any private property, within the City of Waterbury, 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 motorized recreational vehicle. A permitted operator of a motorized recreational may not operate that vehicle on private property in violation of division (D) of this section.

(D) It shall be unlawful to operate a motorized recreational vehicle, to ride as a passenger on a motorized recreational vehicle, and/or for any owner of a motorized recreational vehicle to knowingly permit its operation on private property before 8:00 a.m. or after 7:00 p.m. on weekdays, or before 9:00 a.m. or after 8:00 p.m. on weekends.

(E) It shall be unlawful for any person to operate an EPAMD and/or for any owner of an EPAMD to knowingly permit the operation of his/her EPAMD on any street in the City of Waterbury except as set forth in this subsection or otherwise permitted by state law. In accordance with Conn. Gen. Stat. § 14-289h, a person authorized by state law to operate an EPAMD may operate an EPAMD (1) on any sidewalk; or (2) on a street for the purposes of crossing the street at a crosswalk, when practicable, or at an angle of approximately ninety degrees to the direction of the street at a location at which there are no obstructions that may prevent an expedient and safe crossing, provided that such EPAMD is completely stopped before entering the traveled portion of the street and the operator yields the right-of-way to any motor vehicle using such highway. Any such operator shall yield the right-of-way to any pedestrian on a sidewalk or street.

§ 100.99 PENALTY.

(A) Any person who operates a motorized recreational vehicle in violation of § 100.02(A) of this chapter, or is the owner of a motorized recreational vehicle who knowingly permits its operation in violation of § 100.02(A) of this chapter, shall be fined the sum of \$1,000 for a first offense, \$1,500 for a second offense, or \$2,000 for any third or subsequent offense.

(B) Any person who rides as a passenger on a motorized recreational vehicle in violation of § 100.02(B) of this chapter, or is the owner of a motorized recreational vehicle who knowingly permits a passenger to ride on his/her recreational motor vehicle in violation of § 100.02(B) of this chapter, shall be fined the sum of \$1,000 for a first offense, \$1,500 for a second offense, or \$2,000 for any third or subsequent offense.

(C) Any person who operates a motorized recreational vehicle in violation of § 100.02(C) of this chapter, rides as a passenger on a recreational motor vehicle in violation of § 100.02(C) of this chapter, or is the owner of a motorized recreational vehicle who knowingly permits its operation in violation of § 100.02(C) of this chapter shall be fined the sum of \$1,000 for a first offense, \$1,500 for a second offense, or \$2,000 for any third or subsequent offense.

(D) Any person who operates a motorized recreational vehicle in violation of § 100.02(D) of this chapter, rides as a passenger on a recreational motor vehicle in violation of § 100.02(D) of this chapter, or is the owner of a recreational motorized vehicle who knowingly permits its operation in violation of § 100.02(D) of this chapter shall be fined the sum of \$1,000 for a first offense, \$1,500 for a second offense, or \$2,000 for any third or subsequent offense.

(E) Any person who operates an EPAMD in violation of § 100.02(E) of this chapter, or is the owner of an EPAMD who knowingly permits its operation in violation of § 100.02(E) of this chapter, shall be fined the sum of \$100 for a first offense, \$200 for a second offense, or \$300 for any third or subsequent offense.

(F) A police officer who observes any person in violation of any division of § 100.02 of this chapter may detain such person for purposes of enforcing the provisions of this chapter and may take the motorized recreational vehicle in question into the custody of the Waterbury Police Department, at the owner's expense, pending a disposition of such property by court order or otherwise by law and shall issue a citation imposing a fine in an amount authorized by this ordinance.

(G) Before the owner or person in charge of an impounded motorized recreational vehicle shall be permitted to remove the vehicle from impoundment, he or she shall furnish to Waterbury Police Department, or such other person as the Chief of Police shall designate, evidence of his or her registration and ownership, shall sign a receipt for such vehicle, and shall pay the cost of impoundment. Such owner or person in charge of an impounded motorized recreational vehicle shall obtain a written release from the Waterbury Police Department on a form prescribed by the Chief of Police prior to the release of such impounded motorized recreational vehicle. The Waterbury Police Department shall refuse the release of any motorized recreational vehicle lawfully seized that the Chief of Police or his designee has authorized to hold as evidence in a criminal investigation or proceeding.

(H) Any all-terrain vehicle, dirt bike, or mini-motorcycle that is not claimed under the terms of Subsection (G) of this section within thirty (30) days of the written notice set forth in this Subsection, or, where no such notice is possible, within thirty (30) days of seizure, shall be forfeited to the City, subject to any bona fide lien or security interest in said all-terrain vehicle, dirt bike, or mini-motorcycle. Any such all-terrain vehicle, dirt bike, or mini-motorcycle forfeited to the City shall be sold at public auction conducted by the City, or otherwise disposed of according to law, after serving written notice on the owner and any known lienholders. Said notice shall state: (1) that the all-terrain vehicle, dirt bike, or mini-motorcycle has been taken into custody and stored,

(2) the location of storage of the all-terrain vehicle, dirt bike, or mini-motorcycle, (3) that such all-terrain vehicle, dirt bike, or mini-motorcycle may be sold by the City, or otherwise disposed of according to law, if it is not collected within forty-five days of the date of said notice; and (4) that the owner of such all-terrain vehicle, dirt bike, or mini-motorcycle has a right to contest the validity of such forfeiture within ten days of the date of said notice by application to a hearing officer identified by the City. The proceeds of any such sale shall be paid to the treasurer of the City, who shall deposit such proceeds into the general fund of the City. Notwithstanding any other provision of this Subsection, the City may continue to impound any all-terrain vehicle, dirt bike, or mini-motorcycle that is being held as evidence in a criminal proceeding to the extent and for the duration permitted by law.

(I) *Posting by all-terrain vehicle dealers.* Each motorized recreational vehicle dealer offering for sale, lease or rental of new motorized recreational vehicles within the City of Waterbury shall post this chapter in a prominent location at said dealer's place of business. Any motorized recreational vehicle dealer who violates any provision of this section shall have committed an infraction. For a first violation, the Chief of Police or his or her designee shall issue a written warning providing notice of the specific violation and the time period within which it shall be corrected. If the motorized recreational vehicle dealer receiving the written warning fails to correct the violation within the time period specified in the warning, the Chief of Police or his or her designee shall issue a fine of \$99. Any continuing violation that is discovered during any subsequent re-inspection shall result in a fine of \$99. Each re-inspection at which a violation is discovered shall constitute a separate violation.

(J) *Infractions; liability.* Except as otherwise provided, any person who violates any of Conn. Gen. Stat. §§ 14-379 to 14-390, inclusive, or any regulation relating thereto shall have committed an infraction for each such offense. In addition, thereto the operator or owner, or both of a snowmobile or all-terrain vehicle, shall be responsible and held accountable to the owner of any land where trees, shrubs, crops, fences or other property have been damaged as a result of travel of such snowmobiles or all-terrain vehicles over such land, or where consequential damage has resulted from such travel.