

REVISED 10/27/2023

Ord. No. 1845, adopted July 17, 2023, set out provisions intended for use as § 20-24. Inasmuch as there were already alternate provisions so designated, said section has been codified in as a new § 20-25 at the discretion of the editor.

AN ORDINANCE PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES, DIRT BIKES, AND MINI-MOTORCYCLES ON CITY OF NORWICH PROPERTY

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that the following ordinance prohibiting the use of all-terrain vehicles, dirt bikes, and mini-motorcycles on City of Norwich property be and hereby is adopted to be codified in the Code of Ordinances of the City of Norwich as **Chapter 20 Article III. Prohibitions of the Operation of All-Terrain Vehicles, Dirt Bikes, and Mini-Motorcycles on City Property, section 20-25a-h.**

Sec. 20-25. All-terrain vehicles, dirt bikes, and mini-motorcycles; operation prohibited on city property.

- (a) The purpose of this section is to prohibit the operation of all-terrain vehicles, dirt bikes, mini-motorcycles, and all motorized vehicles as defined in Chapter 255 of the Connecticut General Statutes on property owned by or under the control of the City of Norwich, specifically and especially on public streets, highways, recreation areas, sidewalks and in any public spaces, thereby preventing damage to flora and fauna and to hiking trails, stone walls, and other physical features of the city's parks, public places and streets, promoting the safe use of these areas, and insuring that these areas are protected for the benefit of all users of the city's parks and public places, all as authorized and as consistent with Chapter 255 and C.G.S. §14-289j of the Connecticut General Statutes.
- (b) **Definitions.** As used in this section, the following terms shall have the meanings described herein, unless the context clearly indicates that a different meaning is intended.
- a. "All-terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of the Motor Vehicles to be unsuitable for operation on the public highways in accordance with C.G.S. §14-387.
 - b. "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 C.G.S. §14-1. "Dirt bike" does not include an all-terrain vehicle, as defined in C.G.S. §14-379, or a motor-driven cycle, as defined in C.G.S. §14-1.
 - c. "Mini-motorcycle" shall have the same meaning as provided in C.G.S. §14-289j.
 - d. "Operate" means to ride, control the course of, or otherwise use an all-terrain vehicle, dirt bike, or mini-motorcycle.

(c) **Prohibited acts.** In addition to such rules of operation as set forth in §14-387 of Chapter 255 of the Connecticut General Statutes, no person shall operate and no owner shall permit the operation of any all-terrain vehicle, dirt bike, or mini-motorcycle, upon property owned, leased or controlled by the City of Norwich except within areas specifically designated and posted by the city for all-terrain vehicle, dirt bike, or mini-motorcycle use. No person operating an all-terrain vehicle, dirt bike, or mini-motorcycle on property owned, leased or controlled by the City of Norwich shall refuse to stop his all-terrain vehicle, dirt bike, or mini-motorcycle or after being requested or signaled to do so by an authorized law enforcement officer or by an authorized agent of the City of Norwich.

(d) **Exemptions.** The provisions of subsection (c) hereof shall not apply to authorized law enforcement officers or authorized agents of the City of Norwich who operate all-terrain vehicles, dirt bikes, or mini-motorcycles while in the performance of their official duties or to firefighters or emergency medical technicians while engaged in the performance of duties as such firefighter or technician.

(e) **Penalties; liability.** Pursuant to all enforcement and control provisions of C.G.S. §§ 14-289j, 14-388, 14-390 and 14-390m, and any amendment thereto, any person who violates the provisions of this section shall be subject to an infraction and/or at the election of the law enforcement officer or municipal enforcement authority, a penalty in the amount of one hundred dollars for a first violation, two hundred fifty dollars for a second violation and five hundred dollars for a third or subsequent violation. In addition, the operator or owner, or both, of an all-terrain vehicle, dirt bike, or mini-motorcycle shall be responsible and held accountable to the City of Norwich for damage to trees, shrubs, grass lawns and other maintained or manicured areas, crops, fences or other property caused by operation of such all-terrain vehicles, dirt bikes, or mini-motorcycles on land of the City of Norwich or where consequential damage has resulted from such operation. In any prosecution or action for damages hereunder, proof of the registration number of such vehicles(s) as may be applicable, shall be prima facie evidence that the owner was the operator.

(f) **Seizure, storage and forfeiture.**

(1) Any police officer who issues a summons for the alleged violation of subsections (b), (c), or (d) of C.G.S. §14-289j shall cause the mini-motorcycle that was being operated to be impounded for a period of forty-eight hours after the issuance of such summons. The owner of such mini-motorcycle, upon satisfactorily establishing ownership, may reclaim such mini-motorcycle after the expiration of such forty-eight-hour period upon payment of all transportation and storage costs.

(2) In addition to the penalties provided for in subsection (e) of this section, and, consistent with the seizure and forfeiture provisions of Chapter 255 of the C.G.S. §§ 14-390 and 14-390m, and subject to lien or security interests set forth in the next section hereof, any all-terrain vehicle, dirt bike, or mini-motorcycle used in the commission of a violation of this section shall be subject to seizure by, forfeiture to an sale at auction by the City within fifteen (15) days from said seizure and upon best efforts to notify the party from whom seized within said period.

(3) Seizure of and forfeiture of any all-terrain vehicle, dirt bike, or mini-motorcycle to the city shall be subject to any bona fide lien, lease or security interest in the all-terrain vehicle, dirt bike, or mini-motorcycle, including, but not limited to, a lien under C.G.S. §14-66c for costs and expenses including penalties pursuant to subsection (e) hereof and reasonable daily storage and related expenses. No all-terrain vehicle, dirt bike, or mini-

motorcycle shall be forfeited under the provisions of this subsection to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person if such owner or lienholder did not know and could not have reasonably known that such all-terrain vehicle, dirt bike, or mini-motorcycle was being used or was intended to be used in violation of this section.

(4) Any all-terrain vehicle, dirt bike, or mini-motorcycle ordered forfeited pursuant to the provisions of this subsection shall be sold at public auction conducted by the city. The proceeds of such sale shall be deposited in the General Fund of the city.

(g) **Municipal Enforcement Authority.** The enforcement authority pursuant to this Section shall be deemed to be the Traffic Authority or his designee or agent including all law enforcement officers.

(h) This ordinance shall take effect ten days (10) days after adoption and publication, as provided by law and sec. 9 of Chapter V of the Charter of the City of Norwich.

Mayor Peter Albert Nystrom
President Pro Tem Joseph A. DeLucia
Aldерwoman Stacy Gould