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CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666
m.boughton@danbury-ct.gov

July 25, 2016

City Council Members
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Council Members:

In 2003, the Common Council adopted the provisions of section 12-6 of the Code of Ordinances, regulating the use of all-terrain vehicles on property owned or otherwise controlled by the city. This ordinance was designed to prevent damage to our parks and public places as well as to ensure the safety of all users of these areas.

During the past legislative session, the Connecticut General Assembly adopted the provisions of Public Act No. 16-208, which expanded on the city's ability to protect and preserve our parks and public places by authorizing local regulation of the use of dirt bikes and mini-motorcycles in these areas and by expanding on our ability to penalize use of these vehicles, dirt bikes and mini-motorcycles that violates local law.

Attached you will find proposed revisions to Code section 12-6, which, if adopted will incorporate these new enforcement tools. Please consider the adoption of these amendments at your earliest convenience.

Sincerely,

Mark D. Boughton
Mayor

Attachments

4-1

COPY SHOWING DELETIONS AND NEW LANGUAGE

The provisions of section 12-6 of the Code of Ordinances of Danbury, Connecticut be and hereby are repealed and the following are substituted in its place:

Sec. 12-6. - All-terrain vehicles, DIRT BIKES AND MINI-MOTORCYCLES; operation prohibited on city property. □□□□□

(a) *Generally.* The purpose of this section is to prohibit the operation of all-terrain vehicles, DIRT BIKES AND MINI-MOTORCYCLES on property owned by the City of Danbury, thereby preventing damage to flora and fauna and to hiking trails, stone walls, and other physical features of the city's parks and public places, 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. □

(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. □

(1) "All-terrain vehicle" ~~shall mean~~ MEANS a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways, which is not eligible for registration under chapter 246 of the Connecticut General Statutes. □

(2) "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. SECTION 14-1. "DIRT BIKE" DOES NOT INCLUDE AN ALL-TERRAIN VEHICLE, AS DEFINED IN C.G.S. SECTION 14-379, OR A MOTOR-DRIVEN CYCLE, AS DEFINED IN C.G.S. SECTION 14-1.

(3) "MINI-MOTORCYCLE" SHALL HAVE THE SAME MEANING AS PROVIDED IN C.G.S. SECTION 14-289J.

(4) "Operate" means to ride, control the course of or otherwise use an all-terrain vehicle, DIRT BIKE OR MINI-MOTORCYCLE. □

(c) *Prohibited acts.* 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 Danbury except within areas designated 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 Danbury shall refuse to stop his all-terrain vehicle, DIRT BIKE OR MINI-MOTORCYCLE after being requested or signaled to do so by an authorized law enforcement officer or by an authorized agent of the City of Danbury. □

(d) *Posting.* Notice of the prohibition established by this section shall be given by posting signs at various locations on city owned property warning all-terrain

vehicle, DIRT BIKE OR MINI-MOTORCYCLE users that the use of such ALL-TERRAIN vehicles, DIRT BIKES OR MINI-MOTORCYCLES on city property is prohibited. Failure to post such signs or failure to post such signs at specific locations shall not be a defense to any prosecution or claim brought based on a violation of this section. □

(e) □ *Exemptions.* The provisions of subsection (c) hereof shall not apply to authorized law enforcement officers or authorized agents of the City of Danbury who operate all-terrain vehicles, DIRT BIKES OR MINI-MOTORCYCLES while in the performance of their official duties. □

(f) □ *Penalties; liability.* ~~The provisions hereof may be enforced in the same manner as and in conjunction with the provisions of sections 14-379 to 14-390 of the Connecticut General Statutes.~~ ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A PENALTY IN THE AMOUNT OF ONE THOUSAND DOLLARS FOR A FIRST VIOLATION, ONE THOUSAND FIVE HUNDRED DOLLARS FOR A SECOND VIOLATION AND TWO THOUSAND 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 Danbury for damage to trees, shrubs, crops, fences or other property caused by operation of such all-terrain vehicle, DIRT BIKE OR MINI-MOTORCYCLE on land of the City of Danbury or where consequential damage has resulted from such operation. In any prosecution or action for damages hereunder, proof of the registration number of SUCH VEHICLE(S) AS MAY BE APPLICABLE, shall be prima facie evidence that the owner was the operator. □

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(G) SEIZURE AND FORFEITURE. IN ADDITION TO THE PENALTIES PROVIDED FOR IN SUBSECTION (F) OF THIS SECTION, 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 AND FORFEITURE TO THE CITY. 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. SECTION 14-66C. 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. 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.

Deletions are shown by ~~strikethrough~~. Additions are CAPITALIZED AND UNDERLINED.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT
CITY COUNCIL

_____ A.D. 2016

Be it ordained by the City Council of the City of Danbury:

The provisions of section 12-6 of the Code of Ordinances of Danbury, Connecticut be and hereby are repealed and the following are substituted in its place:

Sec. 12-6. - All-terrain vehicles, dirt bikes and mini-motorcycles; operation prohibited on city property.

(a) *Generally.* The purpose of this section is to prohibit the operation of all-terrain vehicles, dirt bikes and mini-motorcycles on property owned by the City of Danbury, thereby preventing damage to flora and fauna and to hiking trails, stone walls, and other physical features of the city's parks and public places, 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. □

(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.

(1) "All-terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways, which is not eligible for registration under chapter 246 of the Connecticut General Statutes. □

(2) "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. section 14-1. "Dirt bike" does not include an all-terrain vehicle, as defined in C.G.S. section 14-379, or a motor-driven cycle, as defined in C.G.S. section 14-1.

(3) "Mini-motorcycle" shall have the same meaning as provided in C.G.S. section 14-289j.

(4) "Operate" means to ride, control the course of or otherwise use an all-terrain vehicle, dirt bike or mini-motorcycle.

(c) *Prohibited acts.* 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 Danbury except within areas designated 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 Danbury shall refuse to stop his all-terrain vehicle, dirt bike or mini-motorcycle after being requested or signaled to do so by an authorized law enforcement officer or by an authorized agent of the City of Danbury. □

17.9

(d) *Posting.* Notice of the prohibition established by this section shall be given by posting signs at various locations on city owned property warning all-terrain vehicle, dirt bike or mini-motorcycle users that the use of such all-terrain vehicles, dirt bikes or mini-motorcycles on city property is prohibited. Failure to post such signs or failure to post such signs at specific locations shall not be a defense to any prosecution or claim brought based on a violation of this section. □

(e) *Exemptions.* The provisions of subsection (c) hereof shall not apply to authorized law enforcement officers or authorized agents of the City of Danbury who operate all-terrain vehicles, dirt bikes or mini-motorcycles while in the performance of their official duties.

(f) *Penalties; liability.* Any person who violates the provisions of this section shall be subject to a penalty in the amount of one thousand dollars for a first violation, one thousand five hundred dollars for a second violation and two thousand 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 Danbury for damage to trees, shrubs, crops, fences or other property caused by operation of such all-terrain vehicle, dirt bike or mini-motorcycle on land of the City of Danbury or where consequential damage has resulted from such operation. In any prosecution or action for damages hereunder, proof of the registration number of such vehicle(s) as may be applicable, shall be prima facie evidence that the owner was the operator.

□

(g) *Seizure and forfeiture.* In addition to the penalties provided for in subsection (f) of this section, 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 and forfeiture to the city. 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. section 14-66c. 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. 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.