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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

November 4, 2004

Mayor Mark D. Boughton
Members of the Common Council

Re: **ATVs and Motorcycles**

The Common Council Committee appointed to review a problem with ATVs and Motorcycles met on October 18, 2004 at 6:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nagarsheth, Stanley and Saadi. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Police Captain Arthur Sullo, Ed Scirbona from the Briar Ridge Homeowners Association, and Council Members Steinerd and Urice, ex-officio.

Mr. Nagarsheth stated that Council Members Steinerd and Urice originally submitted this petition. Mr. Urice said that the Briar Ridge Homeowners Association contacted him in late June or early July to see if some solution could be found for a problem they are having with ATVs and Motorcycles. They were being ridden every day on an undeveloped road area in that neighborhood.

Captain Sullo said he assigned patrols in the neighborhood and police officers have interviewed a juvenile suspect. Proper action has been taken and a warning given to this minor. Officers have been advised to keep an eye on the neighborhood and if they find illegal vehicles to take proper action. Attorney Gottschalk said this involves the laws of highways and the approach to this problem depends on Briar Ridge Road. He understands that the problem may not now exist.

Mr. Buckley stated that Briar Ridge Road is listed as a private road. It has never been accepted. A portion of it is maintained by the City and some is not. Mr. Saadi asked where the ATVs and motorcycles are coming from and are there more than two or is it limited? Mr. Scirbona stated that as far as he can tell, there is more than one vehicle. Mr. Saadi asked if the vehicles seem to be coming from Briar Ridge? Mr. Scirbona said he couldn't tell, but they use Jenny Drive to come through because it is open. Mr. Saadi asked if a barrier would be

feasible or would it be a problem because it is a private road? Mr. Buckley asked who would be responsible for the barrier since it is a private road.

Mr. Saadi asked what the current status of enforcement is. An ATV is prohibited from using public highways. He asked Attorney Gottschalk is there is a provision in the statutes regarding use of an ATV on private property? Attorney Gottschalk stated that if you post no riding signs on your property, it converts to a law enforcement issue. Captain Sullo said that if criminal activity occurs on private property, the police would then have jurisdiction, but they would have to have evidence.

Mr. Saadi stated that the residents should track and write down the dates of these incidents and then have the police follow up. If we could get signs posted, we could make it a direct issue of law enforcement. Captain Sullo stated that a private community could post all the signs they want. Mr. Buckley said Lilac Lane and Jenny Drive are city roads, but Briar Ridge is not.

Attorney Gottschalk stated that in addition to formal acceptance, roads could arise through action by the public as well as the municipality. If you use the road for a long enough period of time, it becomes a public highway without formal action. If a municipality acts in a way that is consistent with ownership, it becomes a public highway. If that's where we are, ATVs are not allowed there whether signs are posted or not and it then becomes a law enforcement issue. An ordinance was passed some time ago prohibiting ATVs to use city property unless so permitted.

Mr. Saadi made a motion to recommend that the neighbors be advised to document and report offenses to the Police Department. Seconded by Mrs. Stanley. Motion carried unanimously.

Respectfully submitted,

SHAY NAGARSHETH

COLLEEN STANLEY

THOMAS SAADI