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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: **Pocket Bikes**

The Common Council Committee appointed to review the problem of pocket bikes met on October 18, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saracino and Nagarsheth. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Police Captain Arthur Sullo, Corporation Counsel Robert Yamin and Council Members Steinerd, Teicholz, Basso, Cavo and Urice.

Ms. Saracino opened the meeting by reading the Mayor's request for an ad hoc committee to address this problem. Attorney Gottschalk said he thought the problem was a road problem rather than a problem with pocket bikes being ridden in Tarrywile Park. He focused on what these things are and their use on highways. The City can regulate the use of these bikes on municipal property. The problem relates to City streets and he does not believe regulation of pocket bikes is a local issue. In his opinion, he cannot think of an area of law more heavily regulated than motor vehicle law. Other municipalities are attempting to adopt local regulations on pocket bikes. It is a well-intentioned attempt to correct a problem, but it is not legitimate from a legal point of view. There are a host of state statutes that are implicated on this. There will be remedial legislation in the next session of the General Assembly.

Ms. Saracino asked, pending action by the legislature, is there anything the Common Council can do as a stopgap? Attorney Gottschalk said he is stuck at the conclusion that the field of vehicular use of highways is heavily regulated. He believes municipalities have no authority to regulate in this are. There is nothing here for us to do.

After discussion on remedies the police may enforce, Mr. Nagarsheth made a motion to recommend that the Corporation Counsel draft a legal opinion to be directed to the Chief of Police as far as enforcement regarding the issue of pocket bikes. Seconded by Ms. Saracino. Motion carried unanimously.

Respectfully submitted,

MARY SARACINO, Chairman

SHAY NAGARSHETH

JOHN ESPOSITO