TOWN COUNCIL
PUBLIC HEARING

THURSDAY, OCTOBER 10, 2019
6:50 P.M.
CONF. ROOM L-101 (LOWER LEVEL)
TOWN HALL

To provide an opportunity for interested individuals to express their views regarding the proposed amendment to the Newington Code of Ordinances, Chapter 415, Vehicles, Recreational.

Questions regarding this matter should be directed to the Office of the Town Manager at (860) 665-8510.

Written comments and questions may be submitted to the Town Council at 131 Cedar Street or via email at towncouncil@newingtonct.gov
This is to give notice that at the Newington Town Council will hold a Public Hearing on Thursday, October 10, 2019 at 6:50 P.M. at Town Hall, 131 Cedar Street, Newington, CT in accordance with the provisions of the Town Charter, Article IV, Section C-405 & C-406, in regard to the following proposed ordinance.

Chapter 415
VEHICLES, RECREATIONAL

AN ORDINANCE OF THE TOWN OF NEWINGTON, CONNECTICUT, PROVIDING FOR THE PROHIBITION OF ALL-TERRAIN VEHICLES, MINI BIKES, MINI MOTORCYCLES AND DIRT BIKES ON STREETS AND PUBLIC PROPERTY.

WHEREAS, the Town of Newington (hereinafter “Town”) is a duly formed municipality within the State of Connecticut with a population in excess of twenty thousand (20,000) people; and

WHEREAS, the Town has problems with persons operating all-terrain vehicles, mini bikes, mini motorcycles and dirt bikes on public streets, sidewalks and public property in a manner that causes a nuisance and is also dangerous to the operator and the public at large; and

WHEREAS, General Statute §7-148(c) and its various subsections provides and authorizes the Town to, inter alia, control public parks, playgrounds and other municipal property; control streets, alleys, highways, boulevards, bridges, underpasses, sidewalk, public walks and parkways; regulate and prohibit, in a manner not inconsistent with the general statutes, the operation of vehicles on streets and highways; prohibit and abate all nuisances and causes thereof, and all things detrimental to the health, morals, safety convenience and welfare of its inhabitants; and regulate any business; and

WHEREAS, General Statute §14-390 authorizes the Town to regulate the operation and use of all-terrain vehicles within the Town, establish fines for violations thereof, and provide for the seizure and forfeiture of all-terrain vehicles used in violation thereof; and

WHEREAS, General Statute §14-390m authorizes the Town to regulate the operation and use of dirt bikes, mini bikes and mini motorcycles within the Town, establish fines for violations thereof, and provide for the seizure and forfeiture of dirt bikes, mini bikes and mini motorcycles used in violation thereof; and

WHEREAS, the Town wishes to protect the public health, safety and welfare of all of its citizens and guests by prohibiting the use of these types of vehicles within the Town limits, and prohibit the nuisance thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF NEWINGTON:

That Chapter 415, Vehicles, Recreational, of the Code of Ordinances of the Town of Newington is hereby repealed and the following is hereby substituted as follows:

1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:
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 and
also defined as any three (3) or more wheeled motorized vehicle, generally characterized by large, low-pressure
tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road
uses by an individual rider on various types of non-paved terrain. Such vehicles do not include trail bikes, golf
carts, agricultural tractors, farm implements and construction machines.

All-terrain vehicle dealer means any person engaged in the business of manufacturing, selling, leasing or renting
all-terrain vehicles, mini bikes, as defined by this ordinance, mini-motorcycles, as defined by this ordinance, or
dirt bikes, as defined by this ordinance, at retail having a regular and established place of business within the
Town of Newington.

Pocket bikes, mini bikes, mini sport bikes, mini dirt bikes, chopper scooters, motor scooters, bicycles with
helper motors, and any other similar vehicle (hereinafter collectively "mini bikes") shall mean any wheeled
vehicle designed to transport one (1) or more persons that is powered by any type of motor.

Mini-motorcycle shall mean a vehicle that has not more than three wheels in contact with the ground, has a
manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion
without the ride, and is propelled by an engine having a piston displacement of less than 50 c.c.

Dirt Bike shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain
and not designed for travel on a highway, and also defined pursuant to General Statute §14-390m(d) as may be
amended.

As used in this ordinance, All-terrain vehicle, mini bike, mini motorcycle and dirt bike shall not include the
following:

1. Any registered "motorcycle" as defined in General Statute § 14-1(46);
2. Any registered "motor vehicle" as defined in General Statute § 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 Town of Newington
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 (4) miles per hour;
6. Any vehicle owned or leased by the Town of Newington; and
7. Any Electronic Assistive Mobility Device.

2. Operations prohibited.

A. It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike
and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit the
operation of his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike on any street or sidewalk in the
Town of Newington or on any public property, including but not limited to school property, playgrounds and
parks, and open space within the Town of Newington.

B. It shall be unlawful for any person to ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle,
or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly
permit any person to ride as a passenger on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike
operated in violation of subsection (A) above.

C. It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike,
ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, and/or for any owner of an
all-terrain vehicle or mini cycle to knowingly permit its operation on any private property, within the Town of

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www.newingtonct.gov
Newington, without first obtaining the permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike.

D. This Ordinance shall not be applicable to any dirt bike being operated upon any road or highway provided that, (i) said dirt bike is properly and validly registered with the Connecticut Department of Motor Vehicles and (ii) is being operated in compliance with all applicable motor vehicle laws of the State of Connecticut.

3. Penalty.
   A. Any person who operates an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(A) and/or 2(C) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits its operation in violation of subsection 2(A) and/or 2(C) above, shall be fined up to one thousand dollars ($1,000.00) for a first violation, shall be fined up to one thousand five hundred dollars ($1,500.00) for a second violation, and shall be fined up to two thousand dollars ($2,000.00) for a third or subsequent violation.
   B. Any person who rides as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(B) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits a passenger to ride on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(B), shall be issued a citation.
   C. Any police officer that observes any person in violation of this ordinance may detain such person for purposes of enforcing the provisions of this ordinance. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike used in violation of this ordinance shall be seized by any police officer and shall be forfeited to the Town, subject to any bona fide lien, lease or security interest in the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, including, but not limited to, a lien under General Statute §14-66c, provided said person is found liable administratively or guilty in a court of law.
   D. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike ordered forfeited pursuant to this ordinance shall be destroyed by the Town.

Section 2.
   A. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.
   B. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
   C. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given affect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.
   D. This ordinance shall become effective after its passage as set forth in the Town of Newington Charter. The proposed ordinance is available for inspection in the Town Clerk’s Office, 131 Cedar Street, Newington, CT.

Dated at Newington, CT this 4th day of October, 2019.
Attest: James E. Krupienski, CCTC
Town Clerk