ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

____________________ A.D. 2022

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

The provisions of section 46-3 of the Code of Ordinances of Danbury, Connecticut be and hereby are repealed and the following are substituted in its place:

Sec. 46-3. - All-terrain vehicles, utility 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 and all motorized vehicles as defined in Chapter 255 of the C.G.S. on property owned by or under the control of the City of Danbury, specifically and especially on public streets, 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 of the C.G.S.

(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 in accordance with C.G.S. sec. 14-387. In accordance with C.G.S. Sec. 14-387, this definition may be deemed to include “utility terrain vehicles” utv” means larger sized atv-type vehicles used more for commercial than passenger purposes.

(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. In addition to such rules of operation as set forth in Sec. 14-387 of Chapter 255 of the C.G.S, 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 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 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 prohibitions 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.** Pursuant to all enforcement and control provisions of C.G.S. 14-388, 14-390 and 14-390m, any person who violates the provisions of this section shall be subject to an infraction and/or at the election of the municipal enforcement authority, 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, and as may be subsequently revised by state law. 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, storage and forfeiture.**

1. In addition to the penalties provided for in subsection (f) of this section, and, consistent with the seizure and forfeiture provisions of Chapter 255 of the C.G.S. Sections 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 and 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.

2. 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. Section 14-66c for costs and expenses including penalties pursuant to subsection (f) 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.
(3) 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.

(h) Municipal Enforcement Authority. The enforcement authority pursuant to this Section shall be deemed to be the Traffic Authority or his designee or agent and shall include UNIT officials duly authorized by the Traffic Authority or the Mayor.

EFFECTIVE DATE: This Ordinance shall take effect thirty days (30) days after adoption and publication, as provided by law and section 3-10 of the Charter of the City of Danbury. Adopted by the City Council – July 14, 2022. Approved by Mayor Dean Esposito – July 19, 2022. ATTEST: S/S ELISA ETCHETO Legislative Assistant.