

**PROPOSED ORDINANCE NO. \_\_\_\_ TO AMEND CHAPTER 231, ARTICLE VI,  
CONCERNING MOTORIZED RECREATIONAL VEHICLES AND ELECTRIC PERSONAL  
ASSISTIVE MOBILITY DEVICES**

**WHEREAS**, Connecticut General Statutes Sec. 7-148(c)(7) empowers the City of Stamford to regulate traffic on streets and highways, to prohibit and abate nuisances, and to preserve the public peace and good order; and

**WHEREAS**, in accordance with Conn. Gen. Stat. Sec. 7-148(c)(7) with Ord. No. 1043 of March 2005, the Board of Representatives created Article VI of Chapter 231 of the Stamford Code of Ordinances, entitled pocket bikes, mini bikes, mini cycles, mini sport bikes, mini motorcycles, mini dirt bikes, chopper scooters, motor scooters, quick scooters, novelty scooters, and bicycles with helper motors, which prohibits the use of these vehicles on public streets and sidewalks in Stamford; and

**WHEREAS**, Public Acts 13-154, S. 1 (2013) and 16-208, S. 1 (2016) enable municipalities to increase penalties for violations of local regulations governing the operation and use on public property of dirt bikes, all-terrain vehicles, and snowmobiles; and

**WHEREAS**, Public Acts 13-154, Sec. 1 (2013) and 16-208, Sec. 1 (2016) (now codified in Conn. Gen. Stat. Secs. 4-390 and 14-390m) further provide that municipalities with a population of 20,000 or more may enact ordinances to provide for the seizure and forfeiture of dirt bikes and all-terrain vehicles under certain circumstances; and

**WHEREAS**, the City of Stamford seeks to amend Article VI in order to increase the maximum penalties for violations of the ordinance and to add the process for seizure and forfeiture of vehicles used in violation of the ordinance in accordance with Public Acts and Connecticut General Statutes; and

**WHEREAS**, with this amendment the City of Stamford seeks to enhance the ability to enforce Chapter 231, Article VI of Stamford Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Sec. 231-65. - Definitions.

For the purposes of this Article, the following words, terms and phrases, when used in this Article, shall have the following meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. All-terrain vehicle means a self-propelled vehicle designed to travel over unimproved terrain as defined in Conn. Gen. Stat. Sec. 14-379 and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration;

- B. 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 Conn. Gen. Stat. Sec. 14-1(46). "Dirt bike" does not include an all-terrain vehicle, as defined in Conn. Gen. Stat. Sec. 14-379, or a motor-driven cycle, as defined in Conn. Gen. Stat. Sec. 14-1(58);
- C. EPAMD shall mean any electric personal assistive mobility device (hereinafter "EPAMD") that may be self-balancing, has either one (1) wheel such as a one wheel scooter, two (2) non-tandem wheels such as a Segway, or two tandem wheels such as a quick scooter, and is designed to transport at least one (1) person, and has an electric propulsion system.
- D. Mini cycle means pocket bikes, miniature (hereafter "mini") bikes, mini cycles, mini sport bikes, mini motorcycles, chopper scooters, and any other similar wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor;
- E. Motor-driven cycle means any motorcycle, motor scooter, or bicycle with an attached motor, with a seat height of not less than twenty-six (26) inches, and a motor having a capacity of less than fifty (50) cubic centimeters of piston displacement;
- F. Motorized recreational vehicle shall mean a wheeled vehicle, with a motor, intended to be ridden by one (1) or more persons and shall include "all-terrain vehicle," "dirt bike," "mini cycle," "motor-driven cycle," and "snow mobile," all as defined herein;

(1) Motorized recreational vehicle shall not be deemed to include any of the following:

- a. Any registered "motorcycle" as defined in the Conn. Gen. Stat. Sec. 14-1(60);
- b. Any registered "motor vehicle" as defined in Conn. Gen. Stat. Sec. 14-1(59);
- c. 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 City of Stamford ordinances;

- d. 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;
- e. Any self-propelled snowplow, 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;
- f. Any vehicle owned or leased by the City of Stamford;
- g. Any EPAMD or bicycle with an attached motor as defined herein;
- h. Any bicycle or trail bike without a motor;
- i. Any golf cart;
- j. Any agricultural equipment such as tractors and farm implements;
- k. Any construction machinery; and
- l. Any vehicle that is used solely for amusement, or as a novelty display item, and is operated during a parade or any other special event that is properly permitted and approved by the City of Stamford.

G. Motorized recreational vehicle dealer means any person engaged in the business of manufacturing or selling any motorized recreational vehicles, having an established place of business for the manufacture, sale, trade, and display of such vehicles.

H. Snowmobile means a vehicle with a motor, with runners in the front and caterpillar tracks in the rear, intended to be used by one (1) or more persons for traveling over ice and snow.

Sec. 231-66. - Operations prohibited.

A. It shall be unlawful for any person to operate a motorized recreational vehicle or for any owner of a motorized recreational vehicle to knowingly permit the operation of such vehicle on any street or sidewalk in the City of Stamford or on any public property, including but not limited to school property, playgrounds, and parks within the City of Stamford.

B. It shall be unlawful for any person to ride as a passenger on a motorized recreational vehicle or for any owner of a motorized recreational vehicle to knowingly permit any person to ride as a passenger on such vehicle operated in violation of subsection A above.

C. It shall be unlawful for any person to operate a motorized recreational vehicle, ride as a passenger on a motorized recreational vehicle, or for any owner of a motorized recreational vehicle to knowingly permit its operation on any private property within the City of Stamford, without first obtaining the written permission of the property owner if the property is not owned by the operator, passenger and/or owner of the motorized recreational vehicle. Evidence of said owner's written permission must be carried on the person of any operator of a motorized recreational vehicle during all times of such operation on privately owned property within the City of Stamford.

D. It shall be unlawful for any person allowed to operate a motorized recreational vehicle by a private property owner to operate that vehicle on private property in violation of the City of Stamford noise ordinance as defined in Section 164-8 et seq. of this Code of Ordinances.

E. It shall be unlawful for any person to operate an EPAMD or bicycle with an attached motor, or for any owner of an EPAMD or bicycle with an attached motor, to knowingly permit the operation of an EPAMD or bicycle with an attached motor on any street in the City of Stamford, except as provided herein. An EPAMD bicycle with an attached motor may be operated on any designated bike lane or sidewalk and/or crosswalk. Such operator must adhere to the regulations established for vehicle highway use and traffic control as codified in Chapters 248 and 249 of the Connecticut General Statutes while operating in such travel lane, and in no instance shall the speed of operations exceed 5 miles per hour on any sidewalk and/or crosswalk. For operation in a roadway, where no such bike lane exists, an EPAMD bicycle with an attached motor shall be legally operated as close to the right side of the roadway as is safe. An operator of an EPAMD bicycle with an attached motor shall yield to pedestrians and any wheelchair or similar mobility assisting device as defined in Section 231-65 above and shall comply with any applicable State of Connecticut laws or regulations.

#### Sec. 231-67. - Penalties.

A. Any person who operates any motorized recreational vehicle in violation of Subsection 231-66(A)(1) or 231-66(A)(3) above, or any owner of any motorized recreational vehicle who knowingly permits its operation in violation of Subsection 231-66(A)(1) or 231-66(A)(3) above, shall be fined one thousand dollars (\$1,000.00) for a first violation, shall be fined one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined two thousand dollars (\$2,000.00) for a third or subsequent violation.

Nothing herein shall prohibit the issuance of more than one (1) citation for violation of this chapter, provided that such violations are sufficiently distinct in time or place so as to render them separate infractions. Each separate and distinct failure to comply with any provision of this chapter shall constitute a separate violation subject to monetary fines as established in this section.

- B. Any person age sixteen or older who rides as a passenger on any motorized recreational vehicle in violation of Subsection 231-66(A)(2) or 231-66(A)(3) above or any owner of an motorized recreational vehicle who knowingly permits a passenger to ride on their motorized recreational vehicle in violation of Subsection 231-66(A)(2) or 231-66(A)(3), shall be fined two hundred fifty dollars (\$250).
  
- C. Any person in violation of this ordinance may be detained by a police officer for purposes of enforcing the provisions of this ordinance. Any motorized recreational vehicle used in violation of this ordinance may be seized by any police officer and may be forfeited to the City, subject to any bona fide lien, lease, or security interest in the motorized recreational vehicle, including, but not limited to, a lien under Connecticut General Statute Section 14-66c.
  
- D. Any person who operates an EPAMD or bicycle with an attached motor in violation of Subsection 231-66(A)(5) above or is the owner of an EPAMD or bicycle with an attached motor who knowingly permits its operation in violation of Subsection 231-66(A)(5) above shall be fined two hundred fifty dollars (\$250).

Sec. 231-67.1. - Seizure of motorized recreational vehicles; disposal.

- A. Any person who operates a motorized recreational vehicle in violation of Subsection 231-66(A)(1) above or is the owner of any such vehicle who knowingly permits its operation in violation of Subsection 231-66(A)(1) above may be subject to seizure of said vehicle(s) pursuant to Connecticut General Statute Section 54-33g, which allows for seizure of property. A police officer who observes any motorized recreational vehicle

being operated in violation of Subsection 231-66(A)(1), Subsection 231-66(A)(2), Subsection 231-66(A)(3), or Subsection 231-66(A)(4) above may detain such person for purposes of enforcing the provisions of this article and may remove or tow such motorized recreational vehicle to a secure location for impoundment. Before the owner of any such impounded property may remove the vehicle from a vehicle pound, they shall furnish to the operator of such pound or such other person as the chief of police shall designate evidence of registration, should it be required, and ownership, shall sign a receipt for such property, and shall pay the cost of towing, plus the cost of storage for each day or portion of a day that such property is stored in excess of the first twenty-four (24) hours after seizure. The operator of such pound shall refuse the release of any such property lawfully seized that the chief of police has authorized to hold as evidence in a criminal investigation or proceeding. Such operator shall obtain written permission from the chief of police on any form or document prescribed by the chief of police prior to the release of such property held for evidence.

- B. Any such motorized recreational vehicle that is not claimed by its owner under the terms of this section for a period of forty-five (45) days after seizure or in the case of a vehicle being held as evidence not claimed by its owner within forty-five (45) days of the cessation of such investigation or disposition of such criminal proceeding, whichever is later, may be disposed of at the direction of the chief of police after serving notice in the same manner as that required for the disposal of abandoned vehicles under Connecticut General Statute Section 14-150(e), except in the case that a vehicle that is not registered, such notice shall not require mailing to persons whose names are registered with the state department of motor vehicles.

Sec. 231-67.2. - Hearing prior to forfeiture of motorized recreational vehicle.

- A. A hearing officer shall be appointed by the Mayor subject to the approval of the Board of Representatives to conduct hearings authorized by this section. Such hearing officer

shall work with the Chief of Police in the scheduling of hearings held pursuant to this chapter. The Chief of Police or their designee shall represent the Police Department at such hearing. A sworn police incident report shall be considered prima facie proof of the violation. The owner or lienholder may cross examine any witness and present evidence and argument in opposition to the City's claim. After the hearing as provided by this section, the hearing officer may order the forfeiture of any motorized recreational vehicle that has been seized upon proof of conduct amounting to probable cause for a violation of Subsection 231-66 or any other city ordinance or state law pursuant to the process provided herein. Written notice advising the recipient of the right of the owner or lienholder of the motorized recreational vehicle to a hearing prior to the disposal of the motorized recreational vehicle will be delivered on a form approved by Corporation Counsel and Board of Representatives to any lienholder and to the owner of the motorized recreational vehicle, or if no owner can be identified, to the rider, within thirty (30) days of the seizure. A written request for a hearing before a hearing officer must be received by hand delivery or certified mail, return receipt requested, to Hearing Officer, in care of the Chief of Police, Stamford Police Department, 725 Bedford St., Stamford, Connecticut 06901 within thirty (30) days of receipt of the notice. Said request for a hearing by an owner must be submitted with proof of ownership or by a lienholder with proof of lien or other security interest in the motorized recreational vehicle.

- B. Said hearing shall be conducted by the hearing officer and shall be held not more than thirty (30) days after the receipt of the written request, except that written requests for an extension of time may be granted for good cause shown. Notice of the date and time of said hearing shall be provided to the owner or lienholder no later than ten (10) days before the date of the hearing by electronic delivery and/or by certified mail, return receipt requested, at the email or residential address provided by the owner or lienholder in the written request for a hearing.



- C. Any party to the hearing may, at their expense, may record the hearing. Any party to the hearing may be represented by counsel.
- D. A motorized recreational vehicle may be ordered forfeited upon a finding of any, but not limited to, of the following:
1. There is probable cause to believe that the motorized recreational vehicle was possessed, controlled, or designed for use, or is or has been or is intended to be used, to violate, or in violation of any city ordinance or the motor vehicle or criminal laws of this state; or
  2. There is probable cause to believe that the motorized recreational vehicle was operated with reckless and wanton disregard for the welfare or property of others.
- E. Following the hearing, the hearing officer who conducted the hearing, shall issue a written decision ordering the forfeiture of the motorized recreational vehicle or ordering the return of the motorized recreational vehicle to its owner, except that the hearing officer who conducted the hearing, shall not order the release of any motorized motor vehicle that is required to be kept as evidence in any investigation or legal proceeding related to any criminal or motor vehicle offense.

F. Any motorized recreational vehicle that is subject to a bona fide mortgage, assignment of lease or rent, lien, or security interest shall not be ordered forfeited in violation of the rights of the holder of such mortgage, assignment of lease or rent, lien, or security interest.

G. Any motorized recreational vehicle ordered forfeited shall be disposed of consistent with applicable law.

H. If within thirty (30) days of the delivery of the notice of the right to a hearing under this section, no owner or lienholder of the motorized recreational vehicle has requested a hearing, the vehicle will be considered abandoned and disposed of under applicable law.

Sec. 231-67.3. - Posting by motorized recreational vehicle dealer.

A. Each motorized recreational vehicle dealer offering for sale, lease, or rental any motorized recreational vehicle shall post this ordinance in a prominent location at the motorized recreational vehicle dealer's place of business.

B. Any such motorized recreational vehicle dealer who violates any provision of this section shall have committed an infraction. For a first violation, the chief of police or their authorized agent shall issue a written warning providing notice of the specific violation and the time period within which it shall be corrected. If the dealer receiving the written warning fails to correct the violation within the time period specified in the warning, the chief of police or his or her authorized agent shall issue a fine of one hundred dollars (\$100.00). Any continuing violation that is discovered during any subsequent

reinspection shall result in a fine of one hundred dollars (\$100.00). Each reinspection at which a violation is discovered shall constitute a separate violation.