
Regulating The Use Of Recreational Vehicles, Snowmobiles And All Terrain Vehicles

87-2.1

TOWN ORDINANCE REGULATING THE USE OF RECREATIONAL VEHICLES, SNOWMOBILES AND ALL TERRAIN VEHICLES IN THE TOWN OF EAST WINDSOR, HARTFORD COUNTY, CONNECTICUT

BE IT ORDAINED AND ENACTED BY THE TOWN MEETING OF EAST WINDSOR IN THE STATE OF CONNECTICUT PER CONNECTICUT GENERAL STATUTES, CHAPTER 255, SECTION 14-390 AS FOLLOWS:

ARTICLE I

Definitions

- 1) Town means the Town of East Windsor in Hartford County, Connecticut.
- 2) Snowmobile means any self-propelled vehicle designed for travel on snow or ice, except vehicle propelled by sail.
- 3) All terrain vehicle means a one or more wheeled or tracked 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 is not eligible for registration under Chapter 246.
- 4) Recreation Vehicle means any internal combustion engine powered vehicle which is being used for off road recreational purposes.
- 5) Commissioner means the commissioner of motor vehicles in the State of Connecticut.
- 6) Operate means to control the course of or otherwise use a recreational vehicle, snowmobile or all terrain vehicle.
- 7) Operator means the person who controls the course of and operation of the recreational vehicle, snowmobile or all terrain vehicle.
- 8) Owner means the owner of the recreational vehicle, snowmobile or all terrain vehicle.
- 9) C.G.S. means Connecticut General Statutes.
- 10) db(A) means the standard abbreviation for A weighted sound level in decibels.
- 11) Hard test site means any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel or other acoustically reflective material.
- 12) Soft test site means any test site having the ground surface covered with grass, other ground cover or similar acoustically absorptive material.

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ARTICLE II

Section 1 OPERATION PROHIBITED WITHOUT VALID REGISTRATION

On or after October 1, 1971, no person shall operate and no owner shall permit the operation of any snowmobile or all terrain vehicles unless the owner holds a valid, effective registration awarded by this state or by other state or by the United States, and the identification number set forth in such registration is displayed on such snowmobile or all terrain vehicle as prescribed in C.G.S. Section 14-381, provided that every resident of this state shall obtain such registration from this state per C.G.S. Section 14-381 before such operation shall be lawful.

The provisions of this section shall not apply:

- a) to the operation of recreational vehicle, snowmobile or all terrain vehicle on premises owned or leased by the owner of such recreational vehicle, snowmobile or all terrain vehicle.

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Section 2 REGISTRATION AND REGISTRATION PLATES.

Any owner who wishes to register a snowmobile or all terrain vehicle shall apply to the commissioner of motor vehicles and file evidence of ownership by affidavit or document. Upon receipt of application in proper form, and the registration fee, the commissioner will assign an identification number and provide the owner with a certificate of registration and the registration plate. The registration plate, which shall be affixed by the owner, shall be displayed on the snowmobile or all terrain vehicle at a place and in a manner prescribed by the commissioner. In addition to such registration plate, each snowmobile or all terrain vehicle so registered shall display its registration number on each side of its front section, midway between the top and bottom of said front section, in letters or numbers at least three (3) inches in height and made of reflective material.

The certificate of registration shall be carried on all recreational vehicles, snowmobiles or all terrain vehicles and shall be available for inspection whenever such recreational vehicle, snowmobile or all terrain vehicle is being operated.

Section 3 ENFORCEMENT. FAILURE TO STOP RECREATIONAL VEHICLE, SNOWMOBILE OR ALL TERRAIN VEHICLE UPON REQUEST

- a) Any law enforcement officer of the Department of Environmental Protection, motor vehicle inspector, state police officer, uniformed or non-uniformed municipal police officer, constable, state park policeman or forest ranger may enforce the provisions of this ordinance.
- b) No person operating a recreational vehicle, a snowmobile or all terrain vehicle shall refuse to stop his vehicle after being requested or signaled to do so by an authorized law enforcement officer, or the owner or the agent of the owner of the property upon which such vehicle is being operated. Any person operating a recreational vehicle, a snowmobile or all terrain vehicle who refuses to stop his vehicle upon such request or such signal by an authorized law enforcement officer shall have committed an infraction.
- c) No person operating a recreational vehicle, a snowmobile or all terrain vehicle shall refuse upon request to produce to an authorized law enforcement officer the registration of his vehicle and the written permission of the landowner or his agent upon whose property such recreational vehicle, snowmobile or all terrain vehicle is being operated.

The written permission of the landowner or his agent shall be carried on such recreational vehicle, snowmobile or all terrain vehicle and shall be available for inspection whenever such vehicle is being operated.

Upon request by an authorized law enforcement officer and

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upon the failure of the operator to produce said registration and written permission of the landowner or his agent upon whose property such vehicle is being operated, the law enforcement officer making such request shall stop the operator from any further use of his recreational vehicle, snowmobile or all terrain vehicle, and shall escort the operator with his vehicle to a location accessible to a commercial pickup or tow truck. From this location the recreational vehicle, snowmobile or all terrain vehicle shall be moved to a central location designated by the East Windsor Police Department, and at the vehicle owners expense. The recreational vehicle, the snowmobile or all terrain vehicle shall remain at this designated location until the owner of the vehicle will claim said vehicle with valid proof of ownership of the vehicle, and after paying towing charges and any other charges, and after signing for the return of the vehicle.

- d) With the failure of the operator of the recreational vehicle, snowmobile or all terrain vehicle to produce to an authorized law enforcement officer a valid registration of said vehicle and written permission of the landowner or his agent upon whose property such vehicle is being operated, such an operator or the parents or the guardian of the operator, when the operator is a minor, shall pay a fine of:

- 1) thirty-five (35) dollars + five (5) dollars fee for the first offense.
- 2) fifty (50) dollars + seven (7) dollars fee for the second or subsequent offenses exclusive of towing charges or any other charges that may have occurred.

ARTICLE III

Section 1 SPEED, OPERATING UNDER THE INFLUENCE, ENDANGERING PERSON AND PROPERTY.

No person shall operate a recreational vehicle, snowmobile or all terrain vehicle in the following manner:

- a) at an unreasonable or imprudent rate of speed for existing conditions.
- b) in a negligent manner so as to endanger any person or property.
- c) while under the influence of intoxicating liquor or drugs, as defined by C.G.S. Section 14-227a.

Any person who violates any provisions of this section shall be fined as defined in C.G.S. Section 14-386a. In addition thereto the operator or owner, or both, of a snowmobile, recreational vehicle or all

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terrain vehicle shall be responsible and held accountable to the owner of any land where trees, shrubs, crops, fences or other property have been damaged as the result of travel of such recreational vehicle, snowmobile or all terrain vehicle over such land, or where consequential damage has resulted from such travel. Proof of registration number of the recreational vehicle, snowmobile or all terrain vehicle shall be prima facie evidence in any prosecution or action for damages that the owner was the operator.

Section 2 OPERATING HOURS, MINORS ACCOMPANIED BY GUARDIANS, MINIMUM DISTANCE FROM ADJACENT PROPERTY LINES

The operation of the recreational vehicle, snowmobile or all terrain vehicle within the Town of East Windsor shall be in compliance with the following regulations:

- a) the hours of operating a recreational vehicle, snowmobile or all terrain vehicle shall be limited to 8:00 A.M. to 9:00 P.M.
- b) no person under sixteen (16) years of age shall operate a recreational vehicle, snowmobile or all terrain vehicle unless accompanied by a parent or guardian or unless the said vehicle is operated on the property of the owner or the lessee.
- c) no person while operating a recreational vehicle, snowmobile or all terrain vehicle shall operate less than twenty-five (25) feet from any adjoining property line, except for an officer or official designated in Article II, Section 3a) while on duty and acting within the scope of his/her employment.

Section 3 NOISE POLLUTION

No person operating a recreational vehicle, a snowmobile or an all terrain vehicle within the boundary line of the Town of East Windsor shall exceed or be the cause of to exceed the maximum noise levels established by this ordinance.

- a) Sound Level Measurements: sound level measurements shall be taken at least one (1) foot minimum outside of the emitters and inside of the receptors property line and a minimum of four (4) feet off the surface of the ground. The sound level measurement at the said location shall not exceed the Noise Level Standards established by Section 3(c) of this ordinance.

A person conducting such sound measurement shall have been trained in the operating techniques of the sound measuring instrument.

- b) Sound Level Meter shall be a sound level measuring instrument which shall conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters St. 4-1971 (Type s2A)

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- c) Noise Level Standards - the following are the noise level standards applicable to this ordinance:

ALL TERRAIN VEHICLES

In the table below are the Maximum Permissible sound Level Readings in a db(A) for all terrain vehicles noise emission when measured with a sound level microphone located twenty five (25) feet from the vehicle, and in compliance with Section 3(a) - Sound Level Measurements of this Ordinance.

MOVING OR STATIONARY VEHICLES

Soft Site (including snow)

Hard Site (including ice)

61 db(A)

63 db(A)

SNOWMOBILES AND RECREATIONAL VEHICLES

The maximum permissible noise levels for snowmobiles and recreational vehicles shall be per State of Connecticut Department of Motor Vehicles regulations for MAXIMUM PERMISSIBLE NOISE LEVELS FOR VEHICLES Section 14-80a-1a through 14-80a-10a and per Section 3(a) - Sound Level Measurements of this ordinance.

Section 4 MUFFLERS

Each recreational vehicle, snowmobile or all terrain vehicle operated by an internal combustion engine shall be provided with muffler(s) designed to prevent excessive, unusual or unnecessary exhaust noise, which muffler shall be maintained by the owner in good working order and in constant operation.

No person including recreational vehicle, snowmobile or all terrain vehicle dealer or repairer shall install, or use upon said vehicle a muffler(s) lacking interior baffle plates or other effective muffling devices, a gutted muffler, a muffler cut-out or straight exhaust or any other mechanical device which will amplify the noise emitted by such vehicle. In addition, all mufflers to be equipped with spark arresters.

Section 5 FINES

Noncompliance with ARTICLE III, SectionS 2,,3, and 4 of this ordinance shall constitute a violation and shall carry a minimum fine of twenty-five (25) dollars but no more than seventy-five (75) dollars for each violation.

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ARTICLE IV

Section 1 DISCLAIMER CLAUSE

If any article or section or portions of this ordinance be found in conflict with federal and/or state statutes and/or declared invalid by a court or competent jurisdiction, such conflict or invalidity shall not effect the balance of this ordinance.

ARTICLE V

Section 1

This ordinance adopted at a Special Town Meeting duly warned and held on October 22, 1987, shall become fully effective as provided by law; fifteen (15) days from the publication thereof.

Ord. 87-2

Attest:

Claire S. Badstubner, CMC
Town Clerk of East Windsor

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