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October 11, 2017

John Mehr
Interim Town Manager
Town of Rocky Hill
761 Old Main Street
Rocky Hill, CT 06067

Re: Revisions to Meadows Road Ordinance

Dear John:

Attached please find a revised draft of the proposed ordinance incorporating the changes requested following the public hearing on October 2, 2017.

The changes include the following:


- It expressly provides that the gates at three entrances to the Rocky Hill Meadows will be permanently closed.
- It adds a definition for Meadows Property Owners and makes clear that the prohibition on vehicle use does not apply to owners of real property on the streets identified, or to their invitees.
- It establishes a permit system and provides process and detail for the issuance of keys to the gates.
- It contains a provision allowing the Town Manager to revoke a person's right to have a key for good cause.
- It deletes the requirement that the permit be applied for annually.
- It removes the provisions prohibiting dogs and other animals.
- It adds go-carts to the list of prohibited vehicles.
- It changes the definition of motor vehicle to motorized vehicle.
- It revises and simplifies the penalty provisions and deletes the language referring to a written warning.

The statutes governing motor vehicles are peculiar in some ways. While I do not believe that the ordinance must refer to a written warning, and while a written warning is not required in all cases, I must advise you that C.G.S. 7-148 (c) (10) requires that a written warning be issued for violations related to the use of motor vehicles other than dirt bikes, all-terrain vehicles or mini-motorcycles. I have enclosed a copy of that portion of the statute for your reference.

Mr. John Mehr
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Let me know if there are questions or if additional changes are needed.

Sincerely,



John W. Bradley, Jr.

JWB
Enclosures

MJ3997

**ORDINANCE AMENDING
CHAPTER 230. VEHICLES AND TRAFFIC**

BE IT ORDAINED BY THE TOWN COUNCIL OF ROCKY HILL that Chapter 230 of the Municipal Code of the Town of Rocky Hill is hereby repealed in its entirety and the following is substituted in its place:

CHAPTER 230. VEHICLES ON CERTAIN MEADOWS ROADS

§ 230-1. Purpose

The purpose of this Chapter is to restrict the operation of motorized vehicles on certain specified streets in the area known as the Rocky Hill Meadows in order to prevent vandalism, promote public health and safety, and protect farmland and crops from contamination and damage.

§ 230-2. Definitions

Motorized Vehicle – Any motorized vehicle propelled by nonmuscular power, including but not limited to motor vehicles defined by State statute, all-terrain vehicles, dirt bikes, mini-motorcycles, and snowmobiles.

All-terrain vehicle – A self-propelled vehicle, including go-carts, designed to travel over unimproved terrain that has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration.

Dirt bike – A two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway.

Mini-motorcycle – Any vehicle propelled by nonmuscular power that (1) has not more than three wheels in contact with the ground, (2) has a manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion without the rider, and (3) is propelled by an engine having a piston displacement of less than 50 c.c.

Snowmobile – Any self-propelled vehicle designed for travel on snow or ice, except propelled by sail.

Meadows Property Owners – Any owner of real property on the streets identified in Section 230-3.

§ 230-3. Motorized vehicles prohibited on certain streets

No Motorized Vehicle as defined in Section 230-2 of this Chapter, shall be operated on the following public streets in the Town of Rocky Hill:

- A. Meadow Road aka Meadow Street from a gate at the end of Goff Brook Road southerly approximately 2270 feet to North Meadow Lane;
- B. North Meadow Lane, from Meadow Road aka Meadow Street, easterly approximately 4645 feet to Great Meadow Road;
- C. Great Meadow Road from North Meadow Lane southerly approximately, 3175 feet, thence in a westerly direction approximate 5030 feet to a gate at Meadow Road.

Notwithstanding the foregoing, this prohibition shall not apply to Meadows Property Owners, or their invitees.

§ 230-4. Exception for agricultural or business purposes or other good cause

Persons having good cause to operate Motorized Vehicles on the roads referred to in Section 230-3 may apply for a permit from the Town Manager.

§ 230-5. Enforcement

The Town Manager shall enforce Section 230-3 by permanently locking the gates at the following three entrances into the Rocky Hill Meadows.

1. The entrance at Ferry Park.
2. The entrance at Goff Brook Road.
3. The entrance from the Town of Wethersfield.

The Town Manager shall be the keeper of keys to the gates (the "Keys"), and shall control and document the distribution of Keys. No person except the Town Manager or his designee is permitted to make copies of the Keys.

The Town Manager shall provide Keys to all Meadows Property Owners. Each Meadows Property Owner may keep and use the Key on an ongoing basis, and shall have the responsibility to (i) safeguard the Key, (ii) ensure that the Key is not copied, and (iii) ensure that the gates are closed and locked except as needed for the passage of a permitted Motorized Vehicle. For good cause, including but not limited to violation of any provision in this Section, the Town Manager may revoke a Meadows Property Owner's right to keep and use a Key.

The Town Manager may provide a Key to any person whom a Meadows Property Owner (a "Sponsoring Owner") identifies to the Town Manager in writing as an invitee who requires ongoing access to the Rocky Hill Meadows by Motorized Vehicle (an "Ongoing Invitee"). An Ongoing Invitee may keep and use the Key on an ongoing basis.

The Sponsoring Owner and Ongoing Invitee shall share the responsibility to (i) safeguard the Key, (ii) ensure that the Key is not copied, and (iii) ensure that the gates are closed and locked except as needed for the passage of a permitted Motorized Vehicle. For good cause, including but not limited to violation of any provision in this Section, the Town Manager may revoke an Ongoing Invitee's right to keep and use a Key.

For persons who establish good cause to operate a Motorized Vehicle on the roads in the Rocky Hill Meadows pursuant to section 230-4, the Town Manager shall make reasonable arrangements to accommodate such person's access.

§ 230-6. Penalties for offenses

In addition to all other remedies available to the Town by law, violation of Section 230-3 shall be punishable by citation issued by The Town Manager, or a designee, in the amount of not more than \$250.00 per occurrence.

The provisions of C.G.S. § 7-152c, Subsections (b) through (g), inclusive, are hereby adopted by reference as if fully set forth herein.

**THIS ORDINANCE WILL TAKE EFFECT
IN ACCORDANCE WITH THE TOWN CHARTER**

MI20870203/MJ3955

Conn. Gen. Stat. § 7-148

(xvi) Regulate, on any property owned by the municipality, any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe or similar device;

(8) The environment.

- (A) Provide for the protection and improvement of the environment including, but not limited to, coastal areas, wetlands and areas adjacent to waterways in a manner not inconsistent with the general statutes;
- (B) Regulate the location and removal of any offensive manure or other substance or dead animals through the streets of the municipality and provide for the disposal of same;
- (C) Except where there exists a local zoning commission, regulate the filling of, or removal of, soil, loam, sand or gravel from land not in public use in the whole, or in specified districts of, the municipality, and provide for the reestablishment of ground level and protection of the area by suitable cover;
- (D) Regulate the emission of smoke from any chimney, smokestack or other source within the limits of the municipality, and provide for proper heating of buildings within the municipality;

(9) Human rights.

- (A) Provide for fair housing;
- (B) Adopt a code of prohibited discriminatory practices;

(10) Miscellaneous.

- (A) Make all lawful regulations and ordinances in furtherance of any general powers as enumerated in this section, and prescribe penalties for the violation of the same not to exceed two hundred fifty dollars, unless otherwise specifically provided by the general statutes. Such regulations and ordinances may be enforced by citations issued by designated municipal officers or employees, provided the regulations and ordinances have been designated specifically by the municipality for enforcement by citation in the same manner in which they were adopted and the designated municipal officers or employees issue a written warning providing notice of the specific violation before issuing the citation, except that no such written warning shall be required for violations of a municipal ordinance regulating the operation or use of a dirt bike, all-terrain vehicle or mini-motorcycle;
- (B) Adopt a code of ethical conduct;
- (C) Establish and maintain free legal aid bureaus;
- (D) Perform data processing and related administrative computer services for a fee for another municipality;
- (E) Adopt the model ordinance concerning a municipal freedom of information advisory board created under subsection (f) of section 1-205 and establish a municipal freedom of information advisory board as provided by said ordinance and said section;
- (F) Protect the historic or architectural character of properties or districts that are listed on, or under consideration for listing on, the National Register of Historic Places, 16a USC 470, or the state register of historic places, as defined in section 10-410.

History

1949 Rev., S. 619; 1953, 1955, S. 248d; 1957, P.A. 13, S. 7; 201; 354, S. 1; 1959, P.A. 359, S. 1; 1961, P.A. 187; 570; 1963, P.A. 434; 626; February, 1965, P.A. 582; 1967, P.A. 126; 805, S. 3; 830; 1969, P.A. 694, S. 20; 1971, P.A. 389, S. 1; 802, S. 1; P.A. 73-614, S. 2, 3; P.A. 75-178, S. 1, 2; P.A. 76-32; P.A. 78-331, S. 4, 58; P.A. 79-531, S. 1; 79-618, S. 1; P.A. 80-403, S. 7, 10; P.A. 81-219, S. 1, 3; P.A. 82-327, S. 5; P.A. 83-168, S. 3; 83-188, S. 1;