



CITY OF NEW BEDFORD

In the Year Two Thousand AND SIXTEEN

AN ORDINANCE

AMENDING CHAPTER 17, RELATIVE TO RECREATIONAL VEHICLES

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 17 of the Code of Ordinances is hereby amended by inserting, after Section 17-25, the following new Section:-

Sec. 17-25.1. - Recreational Vehicles.

A. Definitions.

For the purpose of this section, the following terms shall have the respective meanings ascribed to them except in those instances where the context clearly indicates a different meaning:

1. "*Recreational vehicle*" - any wheeled device used to carry persons or property which is powered by any means other than muscular power alone and which is designated or modified for use over unimproved terrain for recreation or pleasure including, but not limited to, all-terrain vehicles, off-highway motorcycles, dirt bikes, and recreation utility vehicles as defined in M.G.L. c. 90B, § 20.

Recreational vehicle shall not, however, include any wheelchair operated by a person with physical disabilities or any similar mobility-assisting device used by a person whose ambulatory mobility has been impaired by age, illness or physical ailment; nor shall it include the operation of any electric vehicle not capable of speeds in excess of twelve and one-half miles per hour on any paved sidewalk or marked pedestrian crosswalk; nor any vehicle owned or leased or operated by any government entity, including the City of New Bedford and Commonwealth of Massachusetts. Also, excluded from the definition of recreational vehicle are recreation utility vehicles as defined in M.G.L. c. 90B, § 20 if being used exclusively for agricultural, forestry, lumbering or construction purposes.

2. *“Hazardous operation”* - The operation of a recreational vehicle upon any way or place in which the public has a right of access, any place to which members of the public have access as invitees or licensees or any privately owned property upon which an operator has the permission of the landowner to enter upon in the City of New Bedford, in a manner so that the lives or safety of the operator, any passenger or the general public might be endangered. Prohibited hazardous operation shall include but not be limited to those examples set forth in Subsection C(3)(a-j).

B. Registration.

Pursuant to M.G.L. c. 90B, § 22, no recreational vehicle, as defined by M.G.L. c. 90B, § 20, may be operated in the Commonwealth unless it is registered with the Boat, Recreation Vehicle and Snowmobile Registration Bureau of the Massachusetts Environmental State Police and a valid registration number is displayed on the vehicle.

C. Prohibited Acts.

1. *Unregistered vehicles* - No person shall place, store, or keep more than one (1) unregistered recreational vehicle that, in order to be operated, is required to be registered under the laws or regulations of the Commonwealth of Massachusetts, including, but not limited to M.G.L. c. 90B, upon public or private land, including any buildings thereon, zoned or used for residential purposes. This subsection shall not apply to vehicles stored in compliance with the New Bedford Zoning Ordinance or to vehicles stored, parked, or displayed on property duly licensed in accordance with M.G.L. c. 140, §§ 57 through 69.
2. *Public Property/Property of Another* - No person shall operate, maintain or possess a recreational vehicle upon the property of another without written permission of the land owner on their person. For purposes of this subsection, “property of another” shall include any property owned or leased by the City of New Bedford including any New Bedford Public School property, playgrounds, parks or conservation areas, or any land in which the City holds any conservation restriction.
3. *Prohibited hazardous operation* - No person shall engage in the hazardous operation of a recreational vehicle. The hazardous operation shall include but not be limited to the following examples:
 - a. An operator of any recreational vehicle shall not cause such vehicle to ride with its front wheel or wheels raised from the surface of the road or ground while operated in any public space.

- b. An operator of any recreational vehicle shall not cause such vehicle to ride with its rear wheel or wheels raised from the surface of the road or ground while operated in any public space.
 - c. An operator of any recreational vehicle shall not cause any side wheels of such vehicle to rise from the surface of the road or ground while operated in any public space.
 - d. An operator of any recreational vehicle shall not ride such vehicles with his or her feet or knees planted on the seat while operating in any public space.
 - e. An operator of any recreational vehicle shall not operate such vehicle in a manner commonly associated with trick or stunt riding.
 - f. An operator of any recreational vehicle shall not operate such vehicle with a passenger if designed for a single rider.
 - g. No passenger shall ride upon any recreational vehicle that is designed for a single rider.
 - h. An operator of any recreational vehicle shall not operate such vehicle with a passenger sitting or riding upon the handle bars or forward of the operator.
 - i. No person shall operate any recreational vehicle wearing a facial mask between March 15 and November 15 of any year or any other time when the ambient air temperature is 45 degrees or greater measured on the Fahrenheit scale.
 - j. No person shall operate a recreational vehicle in any manner which violates the provisions of the New Bedford Code of Ordinances Sections 17-9 (free passage of foot travelers upon a sidewalk), 23-10 (driving a motor vehicle upon a sidewalk) or 23-15 (riding on a portion of a vehicle not intended for passengers when the vehicle is in motion).
4. *Flammable Fluids* - No person under the age of eighteen years shall cause gasoline or other flammable or volatile fluid to be loaded into any recreational vehicle, on any public or private street of the City or at any location which is open to the public. Any person in charge of any gasoline or filling station shall not allow any person under the age of eighteen years to cause gasoline or other flammable or volatile fluid to be loaded into any recreational vehicle.

D. Enforcement/Penalties.

1. *Penalties* - A violation of any provision of this Ordinance shall be subject to a fine of three hundred (\$300.00) dollars and, when applicable, with each day constituting a separate offense.

2. *Enforcement* - The New Bedford Police Department shall have the authority to enforce any provision of this Ordinance and to promulgate rules and regulations necessary to implement and enforce this Ordinance. The New Bedford Fire Department shall have the authority to enforce the provisions of this Ordinance, or any statute, regulation or code as relates to this Ordinance, involving the storage or use of flammable fluids. Nothing herein shall prevent any City official, agency, department, board or commission with care, custody and control of any public property from enforcing any provision of this Ordinance or from promulgating rules and regulations necessary to implement and enforce any provision of this Ordinance as it may relate to any such property. The provisions of M.G.L. c. 40, § 21D may be used to punish violations of this Ordinance.
3. *Impoundment* - The New Bedford Police Department shall have the authority to impound any recreational vehicle found in violation of this Ordinance if said recreational vehicle is required to be registered pursuant to M.G.L. c. 90B Section 22 and is not so registered, incident to an arrest of the operator or owner, if the recreational vehicle impedes traffic, threatens public safety or there is a danger of vandalism and/or property damage to the recreational vehicle. No such impounded vehicle shall be released until final disposition of all criminal and/or civil charges relating to the operation or storage of any recreational vehicle, nor until proof of ownership and proper registration under M.G.L. c. 90B, § 22 (if applicable) is verified and applicable towing and storage charges are paid. The New Bedford Police Department shall have the authority to obtain warrants authorizing entry upon private lands and into private buildings whether or not covered by water, to enforce this Ordinance. Further, if any such impounded recreational vehicle is not subject to registration in accord with the provisions of M.G.L. c. 90B, § 22, said recreational vehicle shall not be released unless the owner demonstrates an ability to safely transport the recreational vehicle from its place of impoundment without operating the recreational vehicle upon any public way in the City of New Bedford.

Towing and storage fees for vehicles impounded pursuant to this Ordinance by either the City or a private towing company shall be at the maximum rates permitted by law.

The impoundment provisions of Sections 17-23 and 17-24 shall not be applicable to recreational vehicles as defined in this Section.

E. *Applicability.*

If any provision of this Ordinance imposes greater restrictions or obligations than those imposed by any other General Law, special law, regulation, rule, Ordinance, order, or policy, then the provisions of this Ordinance shall control.

SECTION 2.

This Ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.