

IN THE YEAR TWO THOUSAND AND TWENTY-ONE

1056 AMENDMENT TO CHAPTER 86 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF HOLYOKE, MASSACHUSETTS 1997

AN ORDINANCE

Be it ordained by the City Council of the City of Holyoke as follows:

SECTION 1. Article VI entitled “Operation of Vehicles” of Chapter 86 entitled “Traffic and Vehicles” shall be amended:

BY INSERTING A NEW SECTION which provides as follows:

“Section 86-216A entitled Operation of Dirt Bikes Prohibited; Exemptions; and Regulations.

1. Findings. The City Council finds and declares the following:
 - A. That because of the severely congested streets, roadways and alleys of the City, these regulations banning recreation and off-highway vehicles would serve the public interest and safety.
 - B. That recreation and off-highway vehicles adversely affect traffic flow and the response time of emergency vehicles in the City.
 - C. That recreation and off-highway vehicles lead to motor vehicle collision for the operator and other motor vehicles and pedestrians in the City.
2. Definitions. As used in this article, the following terms shall have the meanings indicated:
 - A. RECREATION OR OFF-HIGHWAY VEHICLE

Any motor vehicle designed or modified for use over unimproved terrain for recreation or pleasure while not being operated on a public way as defined in Massachusetts General Law, Chapter 90, including, but not limited to, all-terrain vehicles, off-road motorcycles, dirt bikes, and recreation utility vehicles while not being operated on a public way.

3. Rules and Regulations.

- A. No person shall operate a recreation vehicle or off-highway vehicle on any City-owned or-controlled public way, sidewalk, park, playground, recreation area, public school property or any other property owned or controlled by the City. The following vehicles shall be exempt from the provisions of this article:
- (1) Vehicles licensed by the Commonwealth of Massachusetts as motor vehicles;
 - (2) Vehicles licensed or used by the federal government or any federal agency, instrumentality, or entity, including the United States Postal Service, performing service to the public;
 - (3) Vehicles operated exclusively for agriculture, forestry, lumbering, or construction purposes.
- B. No person operating or in control of a recreation or off-highway vehicle shall refuse to stop such vehicle after having been requested or signaled by a law enforcement officer. No such person shall refuse to give their correct name, address, and registration number to the law enforcement officer.
- C. No person shall operate a recreation or off-highway vehicle recklessly or negligently so that the lives of the public might be endangered and, by such operation, cause serious bodily injury.
- D. No person shall operate a recreation or off-highway vehicle without stopping and making his name, address and registration number of the vehicle known after knowingly colliding with or otherwise causing bodily injury to another.
- E. No person shall operate a recreation or off-highway vehicle without stopping and making his name, address and registration number of the vehicle known after knowingly colliding with or causing injury to another recreation vehicle or property. Damage to property must be greater than \$500.

- F. No person shall operate a recreation or off-highway vehicle recklessly or negligently so that the lives or safety of the public may be endangered.
- G. No person shall operate a recreation or off-highway vehicle without having first registered such vehicle in accordance with Massachusetts General Law, Chapter 90B, §22.
- H. Operation of a recreation or off-highway vehicle on private property shall be subject to the following regulations:

- (1) No recreation or off-highway vehicle shall be operated within the City that emits noxious fumes or makes unusual or excessive noise based on the levels set forth in Massachusetts General Law, Chapter 90B, §24.
- (2) No person shall operate a recreation or off-highway vehicle that harasses or otherwise harms deer or wildlife, causes damage to growing stock, or causes damage to public or private property.
- (3) No person under the age of 18 shall operate a recreation or off-highway vehicle without the successful completion of a recreation vehicle safety and responsibility course approved by the Department of Environmental Law Enforcement.
- (4) No person under the age of 16 shall operate a recreation or off-highway vehicle without a parent or legal guardian having participated in at least one session of the recreation vehicle safety and responsibility course or as required by the Commonwealth.
- (5) No person shall violate any provision of Chapter 42, Article IV entitled the Fire Prevention Code of the Ordinances of the City of Holyoke, as amended.

4. Enforcement; violations and penalties.

- A. Enforcement. The provisions of this article may be enforced by any police officer or any special police officer that has successfully completed minimum training requirements as determined by the Secretary of Public Safety and Security and has been designated as such by the Holyoke Chief of Police.
- B. Violations and penalties. The following penalties shall be applicable for violations of this Section 86-268A:

- (1) Any person who violates Paragraph Number 3 herein, Subparagraphs A, B, or C shall be subject to a fine in the amount of \$300. Any recreation or off-highway vehicle in use at the time of a second or subsequent offense, upon conviction, shall be subject to forfeiture by the District Attorney of Hampden County or the Attorney General in accordance with Massachusetts General Law, Chapter 90B, §26C.
- (2) Any person who violates Paragraph Number 3 herein, Subparagraph D shall be subject to a fine in the amount of \$300. Any recreation or off-highway vehicle in use at the time of a second or subsequent offense, upon conviction, shall be subject to forfeiture by the Hampden County District Attorney or the Attorney General in accordance with Massachusetts General Law, Chapter 90B, §26C.
- (3) Any person who violates Paragraph Number 3 herein, Subparagraph E or F shall be subject to a fine in the amount of \$300.
- (4) Any person who violates Paragraph Number 3 herein, Subparagraph G or H shall be subject to a fine in the amount of \$500.
- (5) Violations of this Section 86-216A shall be enforced in accordance with Massachusetts General Law, Chapter 90C, §§3, 5.”

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its passage of the Home Rule Petition prohibiting operation of dirt bikes.

APPROVED AS TO FORM:


Kathleen E. Degnan
Assistant City Solicitor