



**City of Rochester, NY**  
**Rochester City Council**

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**Loretta C. Scott** Council President, Councilmember At-Large  
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**PUBLIC SAFETY,  
RECREATION, &  
HUMAN SERVICES  
INTRODUCTORY NO.**

**191**

May 6, 2021

TO THE COUNCIL

Ladies and Gentlemen:

Re: Statement of Necessity

I am submitting this Statement of Necessity so that action may be taken during the May 6, 2021 Council Committee Meetings on the attached legislation. This legislation amends the Municipal Code with respect to the operation of all-terrain vehicles (ATV's), dirt bikes and other off-road motorized vehicles.

Respectfully submitted,

Loretta C. Scott  
President

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Jose Peo  
Councilmember  
Northwest District

May 6, 2021

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amending the Municipal Code Requirements  
Relating to Vehicle and Traffic

Transmitted herewith for your approval is legislation authorizing amendments to Chapter 111 of the Municipal Code, Vehicle and Traffic and Chapter 79 of the Municipal Code, Parks. These amendments are necessary in order to provide greater clarity in defining the affected vehicles. The amendments will aid in supporting efforts to reduce the level of dangerous, illegal use of these vehicles in the public right of way.

The operation of dirt bikes, ATVs and similar off-road vehicles on city streets is creating an increasingly negative impact on the quality of life. The factors which are of concern to many residents -- loud sounds, inordinate speed and intricate driving patterns produced on these vehicles -- are greatly enjoyed by a growing group of vehicle owners.

This legislation would ban the use of ATVs, dirt bikes, go-karts, golf carts, mini-bikes, and off-road motorized vehicles from operating on city streets, sidewalks, property, and in city parks. The legislation would also set rules for confiscating such vehicles when rules are violated and will also set fees and penalties for violating these laws.

A county wide law enforcement effort is currently coordinating strategies to respond to the safety concerns presented by the riding of ATVs throughout the area. It is the intent of City Council to partner in developing a community-led, coordinated approach, to help identify suitable alternative options for the legal enjoyment and operation of these vehicles while ensuring the safety of the public on local thorough fares.

Respectfully Submitted,

Loretta C. Scott  
President

  
Jose Peo  
Northwest District

# INTRODUCTORY NO.

Council

# 191

Ordinance No.

## Amending the Municipal Code with respect to operating all-terrain vehicles, dirt bikes and other off-road motorized vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended to:

- a. Add to Section 111-2, Definitions, definitions for all-terrain vehicle (ATV), dirt bike, go-kart, golf cart, mini-bike, and off-road motorized vehicle to read as follows:

### ALL-TERRAIN VEHICLE (ATV)

Any self-propelled vehicle that is manufactured for operation primarily on off-road trails or in off-road competitions, provided that such vehicle does not exceed 70 inches in width or 1,000 pounds.

### DIRT BIKE

A motorcycle designed for use on off-road trails or in off-road competitions that is also referred to as an off-road motorcycle.

### GO-KART

A small, motorized device with four wheels, created for off-road use.

### GOLF CART

A small, motorized device with four wheels designed to carry people.

### MINI-BIKE

A small, motorized device with two wheels and created for off-road use. A mini-bike doesn't qualify as a moped, motorcycle, or ATV.

### OFF-ROAD MOTORIZED VEHICLE

A vehicle designed for off-road use, including but not limited to, an ATV, dirt bike, go-kart, golf cart, mini-bike, or motorized bicycle, not including an electric bicycle as defined in §34-1.

- b. Revise Subsection B of Section 111-72, Illegal parking and towing of vehicles, to remove minibikes from the list of vehicles with a redemption fee of \$140.
- c. Replace Section 111-80, (Reserved), with a new Section 111-80 to read in its entirety as follows:

§111-80. Off-road motorized vehicles

  - A. Operation of off-road motorized vehicles prohibited.
    - (1) Public property. No person shall operate an off-road motorized vehicle on public right-of-ways, including but not limited to streets,

sidewalks, and tree lawns, nor on any trail, park, parking garage or any other property owned or leased by the City, except as expressly authorized in state law or on streets designated for such use by the Traffic Control Board.

(2) Private property. No person shall operate an off-road motorized vehicle on private property in the City unless such person has first obtained the express consent of the owner of such property to operate the off-road motorized vehicle on the property.

B. Penalties for offenses; impoundment and redemption.

(1) The City of Rochester Traffic Violations Agency shall have jurisdiction over penalties imposed pursuant to subsection B(2) herein.

(2) Any person who operates an off-road motorized vehicle in violation of Section 111-82A shall be guilty of an offense punishable by a fine not exceeding \$1,000.

(3) An off-road motorized vehicle operated in violation of Section 111-82A may be immediately removed to a vehicle pound designated by the Chief of Police and stored by the Rochester Police Department pending the identification of the owner if registered with the New York State Department of Motor Vehicles (NYSDMV). If a title owner is so identified by NYSDMV, such title owner shall be sent notice of the impoundment by certified mail at the address on file with NYSDMV within seven days of the impoundment. Neither the Rochester Police Department nor the City of Rochester, nor any agent or employee thereof, shall be liable for any damages arising out of the provision of an erroneous name or address of such owner.

(4) The owner of the off-road motorized vehicle operated in violation of Section 111-82A may redeem such off-road motorized vehicle within 30 days of the impoundment upon satisfactory proof of ownership and payment to the Chief of Police a redemption fee of \$2,000 and a storage fee not exceeding \$20 per day for each day impounded. If an off-road motorized vehicle is not claimed within 30 days of being impounded, ownership shall vest in the City, and the off-road motorized vehicle may be sold for scrap.

C. Proof of ownership.

Acceptable proof of ownership shall include:

(1) Registration from the Department of Motor Vehicles.

(2) A bill of sale or receipt from a certified seller or reseller.

(3) If the off-road motorized vehicle was bought used from an individual, a notarized bill of sale or receipt from the previous owner, provided to the Chief of Police by the previous owner, along with a

completed certified form stating when, where, and how the previous owner obtained the off-road motorized vehicle.

(4) If the off-road motorized vehicle has never been registered and the above acceptable documents are not available, a "Statement of Ownership" form filed with the Department of Motor Vehicles prior to the confiscation of the vehicle.

D. The prohibitions and penalties set forth in this section shall not apply to police officers or authorized employees or security guards while performing their official duties, nor to persons with a permit in writing from the Chief of Police or Director of Communications.

- d. Replace Section 111-82, Snowmobiles and all-terrain vehicles, with a new Section 111-82 to read in its entirety as follows:

§111-82. Snowmobiles

A. No person shall operate a snowmobile on property owned or leased by the City, nor on City streets or right-of-ways, except as expressly authorized in state law or on streets designated for such use by the Traffic Control Board.

B. This section shall not apply to police officers, authorized employees or authorized security guards while performing their official duties, nor to persons with a permit in writing from the Chief of Police.

- e. Revise Subsection B of Section 111-85, Fines and penalties for offenses and fees, to read as follows:

B. Violations of this chapter other than parking violations and other than violations of §111-80 regarding off-road motorized vehicles may be punishable by a fine not exceeding \$150 or imprisonment not exceeding 15 days, or by both such fine and imprisonment, or by a penalty of not less than \$25 nor more than \$500 to be recovered by the City of Rochester in a civil action.

Section 2. Chapter 79 of the Municipal Code, Parks, as amended, is hereby further amended to revise Section 79-17, Snowmobiles and off-road and limited-use vehicles, to read as follows:

~~§79-17. Snowmobiles and off-road and limited-use motorized vehicles~~

~~A. No person, except authorized employees, shall operate a snowmobile within a park. A "snowmobile" shall be defined as any self-propelled vehicle designated for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.~~

~~B. No person, except authorized employees and persons with written permission from the Commissioner, shall operate motor-powered an off-road motorized or limited-use vehicle, as defined in §111-2, in a park, except that off-road or limited-use vehicles properly registered in accordance with the New York State~~

~~Vehicle and Traffic Law may be operated on park roads and parked in park parking lots in accordance with laws and regulations governing motor vehicles. Off road or limited use vehicles shall include, but are not limited to, four wheel drive vehicles; vehicles equipped for operation in or on sand, mud, snow, gravel or wetlands; dune buggies; motorcycles or minibikes equipped for off road uses; dirt bikes; trail bikes; or any similar type of vehicle or conveyance.~~

C. The prohibitions in this section shall not apply to police officers or authorized employees or security guards while performing their official duties, nor to persons with a permit in writing from the Commissioner, Chief of Police, or Director of Communications.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.