

**RESOLUTION ALPOA 2002-1  
USE OF RECREATIONAL VEHICLES, SNOWMOBILES AND ALL TERRAIN**

**BACKGROUND:**

The Association has been given the authority to regulate the use of the common elements by Section 47-244 (a) (6) of the Common Interest Ownership Act.

The Association wishes to memorialize the current practice and protocols as to the restriction of Recreation Vehicles, Snowmobiles, and All Terrain Vehicles on or in the common elements owned and governed by the Association and managed by its Board of Directors

**THEREFORE BE IT RESOLVED THAT:**

**ARTICLE I**

**Definitions**

- 1) A.L.P.O.A. means the Ashford Lake Property Owners Association, Inc. located in the towns of Ashford and Eastford 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) Operate means to control the course of or otherwise use a recreational vehicle, snowmobile or all terrain vehicle.
- 6) Operator means the person who controls the course of and operation of the recreational vehicle, snowmobile or all terrain vehicle.
- 9) CIOA means Common Interest Ownership Act.

**ARTICLE II**

**Section 1 OPERATION PROHIBITED WITHOUT VALID WRITTEN CONSENT**

No person shall operate and no Association Member shall permit the operation of any Recreation Vehicle, Snowmobile, and All Terrain Vehicle on or in the lake, beaches, roads, right-of-ways and any other common elements of the Association unless the owner holds a valid, written consent letter awarded by the A.L.P.O.A. Board of Directors before such operation shall be lawful.

The provisions of this section shall apply to the operation of recreational vehicles, snowmobiles or all terrain vehicles on premises owned or leased by the Ashford Lake Property Owners Association.

## Section 2 OPERATION WITH VALID WRITTEN CONSENT

A valid, written consent letter may be awarded by the A.L.P.O.A. Board of Directors for hardship circumstances to include handicap or restricted mobility due to health conditions.

The valid, written consent letter may be awarded by the A.L.P.O.A. Board of Directors authorizing use shall be carried on such recreational vehicle, snowmobile or all terrain vehicle and shall be available for inspection whenever such vehicle is being operated.

The provisions of this section shall apply to the operation of recreational vehicle, snowmobile or all terrain vehicle on premises owned or leased by the Ashford Lake Property Owners Association.

## 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 or the owner or the agent of the owner of the property upon which such vehicle is being operated may enforce the provisions of this resolution.

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 or the owner or the agent of the owner of the property upon which such vehicle is being operated 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, or the owner or the agent of the owner of the property upon which such vehicle is being operated the written consent letter awarded by the A.L.P.O.A. Board of Directors 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.

d) With the failure of the operator of the recreational vehicle, snowmobile or all terrain vehicle to produce to an authorized law enforcement officer or the owner or the agent of the owner of the property upon which such vehicle is being operated, 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

Any person who violates any provisions of this section shall be fined as defined in this Resolution and authorized under CIOA Section 47-244(a). In addition thereto the operator or owner, or both, of a snowmobile, recreational vehicle or all 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 1      FINES

Noncompliance with this Resolution 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.

Any person who violates any provisions of this section shall pay all costs and expenses which the Association may at any time incur, including a reasonable attorney's fee, in the enforcement of any of the terms, conditions, or provisions herein contained.