

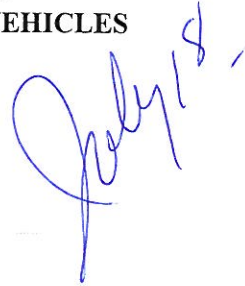
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
THE TOWN OF NORTH SMITHFIELD

AN ORDINANCE OF THE TOWN COUNCIL  
REGULATING TO THE USE OF RECREATIONAL VEHICLES

         NEW

  X   AMENDMENT

  15   CHAPTER "TRAFFIC"



**It is ordained by the Town Council of the Town of North Smithfield as follows:**

**That the Code of Ordinances, Chapter 15, Section 15-13, entitled, "Use of Recreational and Other Vehicles on Public and Private Property", be amended as follows:**

**Sec. 15-13**

**Use of Recreational and Other Vehicles on Public and Private Property**

(a) No person shall operate, cause to be operated, park, walk or drive a motor vehicle or motorized vehicle of any nature and kind (except for handicap or medical purposes) in town-owned public parks, public walkways, grassy areas, trails, recreational facilities, open space areas or in any area within the Town where motor vehicles are not allowed, except in designated parking and traveling areas, except for the specific purpose of authorized maintenance or operation of such area, or for public health, safety or handicapped purposes, or without first obtaining and having in his possession written permission from the town for such operation.

(b) No person shall operate, cause to be operated, park, walk or drive, or have in his possession while trespassing, a motor vehicle of any nature and kind which has been determined by the Department of Motor Vehicles for the State of Rhode Island as unsuitable for operation on the public way and is not eligible for registration for that use, including but not limited to any recreational vehicle, so-called "all-terrain vehicle", motorcycle, dirt bike, minibike, moped, go-kart, motorized scooter or cycle, motorized tricycle, snowmobile or quad cycle, on a public street or highway, public park, public walkway, grassy area, trail, recreational facility, open space area, or in any area within the Town where motor vehicles are not allowed, or on the private property of another, without first obtaining and having in his possession written permission from the property owner for such operation. Any person granting such permission shall be responsible to insure that the noise and other condition generated by such use shall not be a nuisance or annoyance to the surrounding neighborhood or neighboring properties. No such

permission may be granted for any commercial or other use in violation of applicable zoning regulations.

1) Restrictions:

- a. The use of said vehicles shall be prohibited between the hours of 8:00 p.m. to 10 a.m.
- b. The use of said vehicles shall be prohibited within 300 feet of any abutting residential dwelling.

2) Exceptions: The prohibitions defined above shall not be construed or enforced so as to prohibit the use of said vehicles for the following purposes:

- a. For use on property of a commercial farming and/or agricultural operation.
- b. The operation of said vehicles for the purpose of loading and offloading the same from the location where it is regularly stored onto a trailer, vehicle or other legal means of transport to and from said location.
- c. The operation of said vehicles by law enforcement and medical emergency personnel.
- d. The operation of said vehicles for utilitarian purposes, e.g., snow plowing, yard clean-up, wood hauling.

(c) Penalty - Any person violating Sub-sections (a) and (b) hereinabove shall be subject to a fine of \$100 for each offense, or such other amount as may hereafter be authorized by Rhode Island law, including but not limited to R.I.G.L. §31-32.-4.1, and may be held responsible for the cost of all environmental remediation. Any vehicle used in violation of this Ordinance may be impounded and may be towed and stored at the owner's expense. All such fines shall be paid to the town clerk, to be directed for the purpose of the enforcement of the ordinance (first to be directed to vehicle operating and maintenance costs), and such storage and towing fees paid to the entity designated by the police to tow and store such vehicles, or as may be otherwise required by any court of competent jurisdiction, including but not limited to the District Court of the State of Rhode Island or any Municipal court of the Town of North Smithfield.

(d) Eluding an Officer – No person illegally operating any vehicle in violation of Sub-sections (a) or (b) hereinabove or otherwise shall elude a police officer upon being signaled to stop or upon being told to stop, including any action by a police officer in telling or signaling any vehicle operator to stop by any oral statement, siren, flashing light, hand signal or other signal, whether the police officer ordering or signaling the stop is in or on a vehicle or on foot. Such prohibited eluding shall include but is not limited to acts consisting of failing to stop, increasing speed, changing direction, turning off lights or taking similar steps to avoid or escape from a

police officer. Any person apprehended in violation of this section shall be subject to a fine of \$100.00 for each offense, or such other amount as may hereafter be authorized by Rhode Island law in addition to the penalty set forth in Sections (a) and (b) above.

This ordinance shall take effect on the date of passage and in accordance with the Town Charter.

Approved as to form: \_\_\_\_\_  
Richard Nadeau, Jr., Town Solicitor

Received by the Town Clerk Debra A. Todd Date 1-18-11  
Debra A. Todd

Posted Date: April 22, 2011

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Benoit \_\_\_\_\_ Biron \_\_\_\_\_ Leclerc \_\_\_\_\_ Zwolenski \_\_\_\_\_ Lovett \_\_\_\_\_

Approved by the Town Administrator: \_\_\_\_\_  
Paulette D. Hamilton