

COUNTY ORDINANCE NO. 03-16

A BILL ENTITLED

AN ACT CONCERNING the Regulation of Dirt Bikes, Minibikes and similar vehicles in Queen Anne's County;

FOR THE PURPOSE of prohibiting the operation of dirt bikes, minibikes and similar vehicles in certain areas of Queen Anne's County including public lands, public roads and private property without the permission of the property owner and providing penalties for violations of these provisions;

BY ADOPTING a new Subtitle 3 to Title 13 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Subtitle 3 of Title 13 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby adopted to read as follows:

SUBTITLE 3.

DIRT BIKES, UNREGISTERED MOTORCYCLES AND SIMILAR VEHICLES

13-301. Definitions.

(a) In general.

In this subtitle, the following words have the meaning indicated.

(b) Dirt bike.

(1) "Dirt bike" means any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law.

(2) "Dirt bike" includes:

(i) a minibike;

**(ii) an all-terrain vehicle of either the 3- or 4- wheel variety;
and**

(iii) any other motorcycle or similar vehicle that is not eligible for registration under the Maryland Vehicle Law.

(c) Minibike.

"Minibike" means a motor vehicle that:

- (1) has a saddle for the use of the rider;**
- (2) is designed to travel on not more than 3 wheels in contact with the ground;**
- (3) is not eligible for registration under the Maryland Vehicle Law;**
and
- (4) has:**
 - (i) a 10-inch (254 mm) or less nominal wheel-rim diameter;**
 - (ii) 40 inches or less wheel base;**
 - (iii) 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or**
 - (iv) a propelling engine with piston displacement of 50 cc or less.**

(d) Motorcycle or similar vehicle.

(1) "Motorcycle or similar vehicle" means a motor vehicle that is designed to travel on not more than 3 wheels in contact with ground.

(2) "Motorcycle or similar vehicle" includes:

- (i) a minibike;**
- (ii) a motor scooter; and**
- (iii) a bicycle with motor attached.**

(e) Unregistered motorcycle or similar vehicle.

"Unregistered motorcycle or similar vehicle" means a motorcycle or similar vehicle that:

- (1) is eligible for registration under the Maryland Vehicle Law; but**
- (2) is not in fact registered.**

13-302. Exclusions from subtitle.

(a) In general.

This subtitle does not apply to any of the following while being used for their designed purposes:

- (1) tractors;**
- (2) snowblowers;**
- (3) lawn mowers;**
- (4) wheel chairs; or**
- (5) golf carts.**

(b) Government and Farm vehicles.

This subtitle does not apply to any vehicle owned and operated by an agency or instrumentality of Federal, State, City, or other local government or to any vehicle while being utilized in farming or agricultural activity.

13-303. Prohibited conduct - riding or driving.

No person may drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on any public property that is located in Queen Anne's County including any public roads located in Queen Anne's County nor may any person drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on private property without the permission of the owner of such property.

13-304. Prohibited conduct - parents and guardians.

No parent or guardian of a minor may knowingly permit the minor to violate any provision of §13-303 of this subtitle.

13-305. Penalties.

Any person who violates any provision of this Subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine or not more than \$500.00 for each offense. Any person convicted of a second or subsequent violation of this subtitle shall be subject to a fine of not more than \$1,000.00, imprisonment for not more than 90 days or both fine and imprisonment.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Cassell

DATED: August 5, 2003

PUBLIC HEARING HELD: August 26, 2003 @ 6:30 p.m.

VOTE: 5 Yea 0 Nay

DATE: September 2, 2003

This act will not apply to Volunteer Fire Personnel while in route to or from or in execution of their assigned duties. Effective 10/18/03