

## Town of Howland

### All-Terrain Vehicle Ordinance

#### Purpose

The purpose of this Ordinance is to authorize the operation of all-terrain vehicles on designated roadways in the Town of Howland, pursuant to the authority given to the Town by Title 12 M.R.S.A. Section 13157-A.

#### Definitions

For the purpose of this Ordinance, an All-Terrain Vehicle (ATV) Access Road shall be defined as all Public Ways maintained by the Town of Howland. Such designated public ways are only to be used by the public to gain access to ATV trails and goods and services.

‘All-terrain vehicle’ or ‘ATV’ means a motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. ‘All-terrain vehicle’ or ‘ATV’ includes, but is not limited to, a multitrack, multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motor power from a source other than muscle or wind. For purposes of this subpart, ‘all-terrain vehicle or ‘ATV’ does not include an automobile as defined in M.R.S.A. Title 29-A, section 101, subsection 7; an electric personal assistive mobility device as defined in M.R.S.A. Title 29-A, section 101, subsection 22-A; a truck as defined in M.R.S.A. Title 29-A, section 101, subsection 88; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

‘Public Way’ shall mean any Town street, avenue or road not specifically excluded in this Ordinance.

Public Ways allowing full ATV access and/or travel are all Public Ways maintained by the Town of Howland with the following limitation(s):

1. Cemetery Way – ATV use is prohibited at the point of the cemetery gate and shall not be allowed into or on the cemetery grounds under any circumstance.

Roadways maintained by the State of Maine within the Howland limits are not open to ATV traffic with the exception of Water Street. All other State maintained roadways are prohibited ATV access except as authorized by Title 12, M.R.S.A. Section 13157-A.

The Town of Howland governmental unit shall cause such areas designed to use by 'ATV' to be marked by appropriate signs in accordance with Title 12, M.R.S.A. Section 13157-A (6)(H) as said statute may be amended.

### **Operation**

Operation of All Terrain Vehicles (ATV) shall be as determined by the State of Maine, according to Title 12, M.R.S.A., Title 29-A, M.R.S.A. and this Ordinance.

Operation of ATV's on Town of Howland Public Ways shall be in accordance with the State of Maine, according to Title 12, M.R.S.A., §13157-A (6)(H), (7), (8), (9), (10) & (11) and as by this Ordinance as outlined by the following:

- All ATV operators must obey and comply with all properly posted signs
- All ATV operators will proceed with caution when approaching/passing all non-motorized trail users including, but not limited to, bicyclists, hikers and horses.
- All ATV operators shall not exceed 20 MPH, or the posted ATV speed limit, when travelling on designated ATV access roads and must be on the extreme right of the public way.
- ATV operation on designated roadways shall be prohibited between November 30<sup>th</sup> and May 15<sup>th</sup>. Exclusions to this rule are allowed per Title 12 M.R.S.A. Section 13157-A (6)(E)(F)(G).
- ATV operation on designated roadways shall be prohibited between sunset and sunrise.

### **Penalty**

The municipal officers or their agents shall enforce this Ordinance in accordance with State law. Any person who violates any section of this Ordinance commits a civil violation for which a forfeiture not to exceed two hundred dollars (\$200.00) may be adjudged. Other penalties may be adjudicated under State of Maine Titles 12 and 29-A, M.R.S.A. by any and all law enforcement agencies having jurisdiction in the Town of Howland.

### **Severability**

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Effective: Sept 11, 2017, 2017

Julie Ann Brown

Michael O'Davis Joseph

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Board of Selectmen, Town of Howland