

TOWN OF LIMESTONE, MAINE

ATV ORDINANCE

1. Purpose and Authority

The purpose of this Ordinance is to allow for the travel of All-Terrain Vehicles (ATV's) on public ways within the Town of Limestone, to permit access from one ATV trail to another without traveling over private property, to promote economic growth and business activity within Limestone, and for the controlled use and enjoyment of these vehicles throughout the community.

This Ordinance is enacted pursuant to Title 30-A M.R.S. §3001 and the provisions of 12 M.R.S.A. §13157-A(6)(H).

2. Definitions

- A. **All-Terrain Vehicle or ATV.** "All-terrain vehicle" or "ATV" means a motor-driven, offroad, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain and shall include vehicles also known as "Utility Terrain Vehicle" or "UTV". "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 motive 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 29-A M.R.S.A. §101, subsection 7; an electric personal assistive mobility device as defined in 29-A M.R.S.A. §101, subsection 22-A; a truck as defined in 29-A M.R.S.A. §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.
- B. **Dwelling.** "Dwelling" means any building used as a permanent residence or place of domicile.
- C. **Freshwater marshes and bogs.** "Freshwater marshes and bogs" means naturally occurring open areas with saturated soils or peat, often associated with standing water and dominated by low herbaceous vegetation, grasses, weeds and shrubs and including wetlands, as shown on the Freshwater Wetlands Map Series, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a Wetland Protection Subdistrict, P-WL, by the Maine Land Use Planning Commission.

- D. **Operate.** "To operate," in all its modes and tenses when it refers to an ATV, means to use an ATV in any manner within the jurisdiction of the State, whether or not the vehicle is moving.
- E. **Operator.** "Operator" means the person who is in control or in charge of an ATV while it is in use.
- F. **Owner.** "Owner" means, for the purposes of registration of an ATV, a person holding title to an ATV.
- G. **Private Way.** "Private Way" means a private road, driveway, or public easement.
- H. **Public Easement.** "Public easement" means an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976.
- I. **Public Way.** "Public Way" means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, or other road owned and maintained by the State or the Town for use by the general public.

3. **Operating ATV on a public way.**

Except as provided in this subsection and otherwise provided herein, a person may not operate an ATV, other than an ATV registered with the Secretary of State under Title 29-A of the Maine Revised Statutes, on any portion of a public way maintained or used for the operation of conventional motor vehicles. In no case shall an ATV be operated on the sidewalks of any public way.

A. An ATV registered pursuant to 12 M.R.S.A. §13155 may be operated on a public way on the extreme right of the traveled way for the purpose of travel on, or crossing, as directly as possible, a public way, bridge, overpass, underpass, sidewalk or culvert as long as that operation can be made safely and does not interfere with conventional or other ATV traffic approaching from either direction on the public way.

B. An ATV may be operated to the right on any portion of a public way when the public way has been closed in accordance with 23 M.R.S.A. Section 2953.

C. An ATV may be operated on a public way that is not maintained or used for the operation of conventional motor vehicles, except that operation on the left side of the way is prohibited.

D. An ATV may be operated on public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable.

E. An ATV may be operated on public ways in special events of limited duration conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

F. An ATV may be operated on a public way on the extreme right of the traveled way by a law enforcement officer for the sole purpose of traveling between the place where the ATV is usually stored and an area to be patrolled by the law enforcement officer.

G. Notwithstanding paragraphs A to F and except as otherwise provided herein, an ATV must be operated on the extreme right of any public way within the Town of Limestone, or as directed by the Town of Limestone should it designate a route in the public way as an ATV-access route under the provisions of Section 4 of this Ordinance.

H. An ATV must be operated on the paved surface of the roadway and not use the soft shoulder of the roadway so as to prevent premature degradation of the shoulder material.

I. An ATV must have its lights on at all times when operating in a public way.

J. An ATV shall travel at a prudent speed, which shall in no event exceed the posted speed limit, when in the public right-of-way.

K. An ATV operator must always yield the right of way to conventional vehicle traffic using a roadway, or such traffic attempting access to or from that roadway.

L. No person under the age of 16 may operate an ATV on a public roadway.

4. Allowed locations of use.

A. The requirements of Section 3 above notwithstanding, all roads and streets within the Town of Limestone shall be deemed to be "ATV Friendly" and shall be open to travel by ATV, subject to the requirements as set forth within this Ordinance and applicable laws of the State of Maine.

B. An ATV may be operated in the Trafton Lake Campground Area provided the maximum speed in the campground area shall be 10 miles per hour.

- C. An ATV operated in areas of Trafton Lake other than the Campground Area shall have a maximum speed of 15 miles per hour.
- D. An ATV may be operated on all streets within the Town of Limestone; *PROVIDED*, the maximum speed of travel shall not exceed the posted speed limit within the area of operation.

5. Prohibited locations of use.

- A. All cemeteries within the Town of Limestone and area roads that encircle or otherwise serve a cemetery.
- B. The Limestone Community School / Maine School of Science and Mathematics parking lot areas except for the purpose of dropping off or picking up students at the Main Entrance. Under no circumstances may an ATV pass, overtake, or otherwise enter into the area being actively travelled by a school bus or school van that is in the process of receiving or delivering students. Under no circumstances may an ATV operated on these areas exceed 5 Miles Per Hour.
- C. Except in the case of an emergency or upon order of a law enforcement officer, or to render right of way to an emergency response vehicle (fire truck, ambulance, police car), under no circumstances will an ATV be permitted to leave a public way to enter onto private or public property not identified as a marked ATV trail.
- D. Under no circumstances will an ATV be operated on other than an established roadway in the Trafton Lake Recreation or Campground Areas. An exception will be made for event parking during special occasions (July 4th, etc.) except that no ATV shall be operated within 50 feet of established swings, slides, or other recreation equipment.
- E. ATVs will be prohibited from operation in the Trafton Lake Campground Area between the hours of 10:00 pm and 6:00 am during the period when campers / tents are present. An exception will be permitted for special occasions (July 4th, etc.) but only for the duration of the special event.
- F. Under no circumstances will an ATV be operated in or on the Albert Michaud Park Playground Area, in or on the Baseball or Softball Fields except when being used for field maintenance, or in or on the Tennis Courts or Basketball Courts.
- G. Other than for purposes of passing by one on a main roadway, ATV's will be prohibited from operating within 200 feet of a church during periods where a

church service is in session (mass, funeral mass, etc.). While passing during a mass or service, the ATV operator will create as little noise as possible.

- H. ATVs will be prohibited from operation within 200 feet of a nursing home or extended care facility, except in such cases where a marked ATV trail has been established or an active roadway passes within a closer distance and operation is limited to that trail or roadway.

6. Noise.

All ATVs shall be equipped with noise and spark suppression consistent with the original design and manufacture of the ATV. Excessive noise above that created by the ATV at point of new sale shall be subject to fine and/or penalty consistent with Section 7., below, and may not be operated on Limestone streets until such excessive noise condition is abated.

7. Enforcement.

This Ordinance shall be enforced by State of Maine and Aroostook County law enforcement officials having jurisdiction. Any person who engages in any act prohibited by the Ordinance commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged for a first offence. Subsequent offenses shall be fined in multiples of those amounts equal to the number of offenses committed. All fines collected shall inure to the benefit of the Town of Limestone. An initial fine of \$250.00 will be enforced if the ATV is not operated on the pavement of the public way as required by Section 3.G of this Ordinance, with all subsequent, similar violations of the same nature being fined as a multiple of that amount equal to the number of violations committed.

8. Severability.

If any section, subsection, or portion of this Ordinance is declared by any court of competent jurisdiction to be invalid for any reason, such declaration shall not be deemed to affect the validity of the remaining sections, subsections, or portions of this Ordinance, which shall remain in full force and effect.

9. Annual review of ordinance

This municipal body of the Town of Limestone hereby grants that this Ordinance may, at the sole discretion of the Select Board, be reviewed annually and amended by the Select Board as deemed appropriate or necessary to address any issues, known or potential, with trail or road usage that may arise.

A duly posted Public Hearing regarding this Ordinance was held on the ____ day of _____, 2024.

This Ordinance was Adopted at a duly posted meeting of the Town of Limestone Select Board held on the ____ day of _____, 2024.

Clerk, Town of Limestone, Maine