

All-Terrain Vehicle (ATV) Ordinance – Town of Hollis, Maine

1. Purpose and Authority:

The purpose of this Ordinance is to permit All-Terrain Vehicles (“ATV”) to travel on certain public ways to access one ATV trail to another without traveling on private property and for the use and enjoyment of these vehicles throughout the community. This Ordinance is enacted pursuant to the provisions of 12 M.R.S.A. Section 13157-A (6) (H).

All-Terrain Vehicles (ATVs) operated on a Public Way or trail system in the Town of Hollis may not operate if not equipped with an effective and suitable muffling device on its engine to effectively deaden and muffle the noise of the exhaust. Operating an ATV with an exhaust system that has been modified in any manner such that it will increase the noise emitted above the following is not allowed. Each ATV must meet noise emission standards of the United States Environmental Protective Agency and in no case exceed 96 decibels of sound pressure when measured from a distance of 20 inches using test procedures established by the Commissioner of the Maine Inland Fisheries and Wildlife.

2. Definitions:

All-terrain vehicle or ATV. “All-terrain vehicle” or “ATV” means a motor-driven, off-road, recreational vehicle that was originally designed by the manufacturer for and is capable of cross-country travel. “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 a motor vehicle as defined in M.R.S.A. Title 29-A, section 101, subsection 42.

Dwelling. “Dwelling” means any building used as a permanent residence or place of domicile.

Freshwater marshes and bogs. “Freshwater marshes and bogs” means naturally occurring open areas with saturated solid 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 Sub district, P-WL, by the Maine Land Use Planning Commission.

Operate. “To operate” in all its moods 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.

Operator. “Operator” means the person who is in control or in charge of an ATV while it is in use.

Owner. “Owner” means: For the purposes of registration of an ATV, a person holding title to an ATV.

Private Way. “Private Way” means a private road, driveway, or public easement.

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 dedicated to the public.

Public Way. “Public Way” means any road capable of carrying motor vehicles, including, but no limited to, any state highway, municipal road, or other road dedicated to the public.

3. Operating an ATV on a Public Way.

Except as provided in this subsection, 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 or on the sidewalks of any public way.

- A. All ATVs operated on Town roads in Hollis will follow Maine State statutes as far as age requirements, helmet laws and any other safety requirements as outlined by Maine state statutes.
- B. An ATV registered pursuant to 12 M.R.S.A. Section 13003 may be operated on a public way only the distance necessary, but in no case to exceed 500

yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, bridge, overpass, underpass, sidewalk, or culvert if that operation can be made safely and does not interfere with traffic approaching from either direction of the public way.

- C. An ATV may be operated on any portion of a public way when the public way has been closed in accordance with 23 M.R.S.A. Section 2953.
- D. 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 during the hours from sunset to sunrise.
- E. An ATV may be operated on public ways during a period of emergency, when the emergency has been so declared by the police agency having jurisdiction and when travel by conventional motor vehicles is not practicable.
- F. 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.
- G. An ATV must always have its lights on when operating in a public way.
- H. An ATV must travel at 15 MPH when in the public right-of-way.
- I. An ATV must yield to all other modes of transportation including motorists, farm equipment, heavy duty equipment, pedestrians, bicycles, and horses.
- J. To operate on the Town of Hollis public right of way, all ATVs must be insured.

4. Allowed locations of use.

Notwithstanding Section 3 of this Ordinance, the following streets or sections of streets as described shall be allowed to have ATV travel on a regular basis to obtain access to existing off-road trails:

- Deerwander Road (1.17 miles): From the Railroad Bed to the Large Pole Line.

When operating on the permitted section of Deerwander Road, ATVs must be operated on the extreme right of the public way.

5. Violations and enforcement.

This Ordinance shall be enforced by 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. All fines collected shall inure to the benefit of the Town of Hollis. An ATV must travel on the pavement. A fine of \$250.00 will be enforced if the ATV user is not on the pavement.

6. Severability.

In 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.