OFF - HIGHWAY VEHICLE ORDINANCE

of the Town of Chebeague Island
MAINE

Pursuant to 12 M.R.S.A. § 13157-A

Adopted by Town Meeting Effective:
January 9th, 2010

Attest: [Signature]

Town Clerk

Seal:
Section 1. Title.

This Ordinance shall be known as and may be cited as the “Off-Highway Vehicle Ordinance in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

Section 2. Purpose.

The purpose of this Ordinance is to assure the safe operation of off-highway vehicles (OHVs) on designated public ways and the safe operation of golf carts on public ways. Nothing in this Ordinance replaces the applicable State laws that apply to the operation of any vehicles covered by this Ordinance.

Section 3. Definitions.

As used in this section, the words and phrases herein shall have the following meaning, unless the context otherwise requires:

(a) Golf Cart. “Golf cart” means a motor vehicle that is originally designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. “Golf cart” does not include an all-terrain vehicle (ATV) as defined in Title 12, section 13001.

(b) Off-Highway Vehicle or OHV. “Off-highway vehicle” or “OHV” means any vehicle designed primarily for off-highway use, including all-terrain vehicles (ATVs), utility vehicles, and mini-trucks, that is a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. “Off-highway vehicle” or “OHV” includes, but is not limited to, a multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this chapter, “off-highway vehicle” or “OHV” does not include a single or multi-track vehicle; an amphibious machine; snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

(c) Public Way. “Public way” means a way, owned and maintained by the municipality, over which the general public has a right to pass. For the purposes of this ordinance, it means a way commonly used for vehicular traffic and does not mean a public right-of-way primarily used as a footpath.
Section 4. General Requirements.

All vehicles operated on public ways under this Ordinance must comply with the following requirements:
(a) The operator of the vehicle must carry proof of proper insurance,
(b) The operator of the vehicle must possess a valid driver’s license to operate on public ways,
(c) The vehicle must be properly registered to operate on Public Ways:
   i. Off-highway vehicles or OHVs must be registered with the Maine Department of Inland Fisheries and Wildlife.
   ii. Golf carts must display a registration sticker issued by the Town of Chebeague Island.

Section 5. Operation of all OHVs:

For the purpose of this Ordinance:
(a) Operating OHV on public way. An OHV must travel in the same direction as motor vehicle traffic on a designated public way.
(b) Permission required. A person may not operate an OHV on the land of another without the permission of the landowner or lessee, except as one would travel via automobile or motorcycle (e.g. on a driveway); unless the operator has obtained prior permission from the landowner to travel upon that person’s land. Permission is presumed on designated municipality-approved OHV public ways or in areas open to OHVs by landowner policy.
(c) Stop and identify requirement. Persons operating OHVs upon the land of another shall stop and identify themselves upon the request of the landowner or the landowner’s duly authorized representative. Persons operating OHVs on any public way or private property shall stop and indentify themselves upon the request of a law enforcement official.
(d) Reckless operating on OHV. A person may not operate an OHV in such a way as to recklessly create a substantial risk of serious bodily injury to another person. Nor may a person operate an OHV so as to endanger any person or property.
(e) Reasonable and prudent speed. A person may not operate an OHV except at a reasonable and prudent speed for the existing conditions.
(f) Protective headgear. Any person under the age of 18 who operates, or is a passenger on an ATV or other type of OHV that is not equipped with roll-over protection and passenger restraints, must wear protective headgear.
(g) Required use of OHV lights. OHV headlights and taillights shall be used during the period from one-half hour after sunset to one-half hour before sunrise; and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernable for a distance of 500 feet ahead.

(h) Operation in roadways for laned traffic.
   i. Off-highway vehicles operated in roadways for laned traffic are entitled to the full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any OHV of the full use of a lane.
   ii. The operator of an OHV shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
   iii. No person shall operate an OHV between lanes of traffic or between adjacent lines or rows of vehicles.
   iv. Off-highway vehicles shall not be operated more than two abreast in a single lane.
   v. This subsection shall not be applied to law enforcement officers in the performance of their official duties.

Section 6. Operation of all Golf Carts.

For the purpose of this Ordinance:
(a) Operating golf cart on public way. A golf cart must travel in the same direction as motor vehicle traffic on a designated public way. Golf carts shall keep to the extreme right of the roadway.

(b) Stop and identify requirement. Persons operating golf carts on any public way shall stop and identify themselves upon the request of a law enforcement official.

(c) Yield right-of-way. A person shall yield the right-of-way to all other types of vehicular traffic while operating a golf cart on a public way.

(d) Reckless operating of golf cart. A person may not operate a golf cart in such a way as to recklessly create a substantial risk of serious bodily injury to another person. Nor may a person operate a golf cart so as to endanger any person or property.

(e) Reasonable and prudent speed. A person may not exceed a speed of ten (10) miles per hour while operating a golf cart on a public way.

(f) Required use of golf cart lights. Golf cart headlights and taillights shall be used during the period from one-half hour after sunset to one-half hour before sunrise; and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other
persons, vehicles and other objects are not clearly discernable for a distance of 500 feet ahead. Golf carts not equipped with suitable headlights and taillights shall be operated only in adequate daylight.

(g) Cautionary Equipment. All golf carts shall be equipped with an auditory warning device, a visual safety flag on a whip antenna of at least six (6) feet in height, and slow vehicle markings.

Section 7. Violations and Penalties.

It shall be unlawful for any person to violate any provisions of this ordinance. Any person, firm or corporation violating any provision of this ordinance shall be punished by a fine of $25 dollars for the first offense, and $100 for each offense thereafter.

Section 8. Severability.

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.