

ATV  
**Certification of Proposed Ordinances by  
the Municipal Officers**

This certifies to the municipal clerk of DIXFIELD  
that the within ordinance is a true copy of an ordinance entitled  
DIXFIELD, MAINE ATV ORDINANCE to be acted upon by the voters at a town  
meeting to be held on MAY 24, 2012.

Dated: MAY 14, 2012 Municipal Officers of DIXFIELD  
Stephen G. Dora  
Norman H. Clark  
Robert W. White  
Katherine N. Harvey  
Malcolm Isitt

## **Section I. Title**

This Ordinance shall be known and may be cited as the ATV Ordinance of the Town of Dixfield, Maine.

## **Section II. Purpose and Findings**

This is an ordinance prescribing, in accordance with prevailing community standards, regulations for the operation of ATVs (All-Terrain Vehicles) on highways, roads and streets within the town including what will be heretofore referred to as the ATV-access route.

### **1. Intent of Ordinance**

- a) It is the intent of this ordinance to allow persons of legal age to operate their properly registered ATVs, including off-road bikes (commonly known as dirt bikes), from 6:00AM to 10:00PM, in a safe manner @ 10 mph for up to 500 yards on the extreme right of the traveled way, for the purpose of accessing the properly designated and posted ATV-access route in order to obtain fuel, and other services, while at the same time giving the local area law enforcement guidelines to work within for the purpose of enforcing this ordinance.
- b) It is also the intent of this ordinance to assure that operation of an ATV that is not equipped at all times with an effective and suitable muffling device on its engine to effectively deaden or muffle the noise of the exhaust and meet noise emission standards of the United States Environmental Protection Agency which in no case exceed 96 decibels of sound pressure level when measured from a distance of 20 inches using test procedures established by the commissioner of the Maine Department of Inland Fisheries and Wildlife shall be **strictly** prohibited.

### **2. Use of ATVs (All Terrain Vehicles)**

The Dixfield Board of Selectmen ban the use of All Terrain Vehicles in excess of 500 yards on town owned property other than to access the following ways maintained for vehicular traffic marked and posted as an ATV Access Route. Dixfield residents who are located more than 500 yards from the ATV Access Route may request a waiver of the 500 yard limitation from the Chief of Police. Waivers will be granted at the sole discretion of the Chief of Police on a case by case basis and if granted must be renewed annually.

### ATV Access Route defined

All-terrain vehicle access route is a public way designated by the appropriate governmental unit within a municipality or an unorganized or unincorporated township. A public way designated as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV- access route. The ATV-access route must travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route. (Map of Town of Dixfield ATV Access Route attached to this ordinance.)

The designated ATV Access Route will be properly signed from the west end of town to Ellis' Variety Store as follows:

- from the end of Backkingdom Road where it meets Coburn Avenue
- east the entire length of Coburn Avenue to Weld Street
- south on Weld Street to Ellis' variety Store or
- from the end of Webb River Drive east to Blayne Street
- east on Blayne Street to Bradley Street and continuing to Brackett Street
- south on Brackett Street to Coburn Avenue
- east on Coburn Avenue to Weld Street
- south on Weld Street to Ellis' variety Store

The designated ATV Access Route will be properly signed from the east end of town to Ellis' Variety Store as follows:

- from the end of Hall Hill Road where it turns to asphalt west to what is now known as the Buggy Trail
- north on the Buggy Trail to Nash Street
- west on Nash Street to Weld Street
- south on Weld Street to Ellis' Variety Store

### Prohibited Use of ATVs (All Terrain Vehicles) on Main and Weld Street

The operation of ATVs (All Terrain Vehicles) and dirt bikes registered as an ATV on Main Street (US Route 2) from the Mexico town line to the Canton Point Road intersection and on Weld Street (Route 142) from its intersection with Main Street to Averill Hill Road is strictly prohibited with the exception of operation from Nash Street and Coburn Avenue on Weld Street to Ellis' Variety Store which is part of the established ATV Access Route.



### **Section III. Authority**

This ordinance is enacted pursuant to the authority granted municipalities in Title 30-A M.R.S.A., Section 3001.

### **Section IV. Applicability**

This ordinance shall apply to owners and operators of ATVs in the Town of Dixfield, whether or not they are residents of the Town of Dixfield.

### **Section V. Severability**

If any provision or section of this ordinance, or the application thereof to any person or circumstance, is determined to be invalid or void by a court of competent jurisdiction, such determination shall not affect other provisions or applications of this ordinance that can be given effect in whole or in part without the invalid provision or application, and to this end each provision of this ordinance is declared to be severable and independent. It is the intent of the Town of Dixfield that each and every part, clause, paragraph, section and subsection of this ordinance be given effect to the greatest degree possible.

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the Town of Dixfield, the provision which established or establishes the higher standard for the promotion and protection of health and welfare for the community shall prevail.

### **Section VI. Definitions**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

1. "Town" is the Town of Dixfield, Oxford County, Maine.
2. All-terrain vehicle or ATV is a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. (For purposes of this ordinance a Pocket Bike or other similar vehicle that does not meet the definition of a motorized scooter, moped, or motorcycle is considered an off-road vehicle but not an ATV by definition. Operation of these type vehicles is not permitted on the ATV Access Route with the exception of those bikes commonly referred to as dirt bikes.)

3. Off-road recreational vehicles capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain (commonly referred to as dirt bikes) properly registered as an ATV will be allowed to operate on the ATV Access Route.
4. "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term "street" applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise.
5. "Time of Night" referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Town of Dixfield, prima facie the time then observed in the Dixfield Town Office and Police Station.
6. "Year of Age" continues from 12:01 A.M. on one's birthday to midnight (12:00 A.M.) of the day immediately preceding the next birthday. For example, 10 or less years of age means a person who has not yet attained his/her 11<sup>th</sup> birthday and 16 years of age that period of time which extends from 12:01 A.M. on the person's sixteenth (16<sup>th</sup>) birthday until midnight on the day immediately preceding that person's (17<sup>th</sup>) birthday.
7. Restricted time for the purpose of this ordinance means the hours from 10:00 P.M. until 6:00 A.M.
8. Accompanied by adult means within visual and voice contact and under the effective control of a child's parent or guardian or another person 21 years of age or older.
9. 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 municipality, whether or not the vehicle is moving.
10. Operator means the person who is in control or in charge of an ATV while in use.
11. Owner means for the purposes of registration of an ATV, a person holding title to an ATV.



12. Protective headgear means a helmet that conforms to minimum standards of construction and performance as prescribed by the American National Standards Institute specification Z90.1 or by the Federal Motor vehicle Safety Standard No. 218.

## **Section VII. Age Requirements**

### **1. Age Requirements**

- A person of **tender age** (defined as less than 10 years of age) may not operate an ATV.
- A person 10 years of age or older but less than 16 years of age may not operate an ATV unless that person has successfully completed a training course approved by the department and is accompanied by an adult (21 years of age or older.)
- A person less than 16 years of age may not cross a public way maintained for travel unless the crossing is in accordance with section 13157-A, subsection 6, paragraph A and the person satisfies the requirements of 13154-A, subsection 3.

## **Section VIII. Police Procedures**

### **1. General**

A Dixfield Police Officer, upon finding or having attention called to any violation of of State of Maine ATV Laws & Rules governed by Title 12, Chapter 933 shall thoroughly investigate the offense(s) and apply the applicable law.

#### **Refinement**

Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver a juvenile with ATV to his parent under appropriate circumstances. For example, it may be more appropriate in the case of a juvenile of **tender age** who is near his home and whose identity and address may readily be ascertained or are known, to deliver the juvenile with ATV directly to his parent(s) at his home. Second or subsequent offenses will result in the ATV being removed to the Dixfield Police Department at the owner's expense where it will be stored until such time as the adult owner meets with a member of the Dixfield Police to go over the details of the violation. The ATV will be released to the adult owner upon submission of a paid receipt from the towing company which removed it.

2. Written Report

In any incident involving an ATV violation by a juvenile, the investigating police officer shall file a written report with the Chief of Police within 48 work-hours of the incident. Or, the officer shall participate (to the extent that the information for which he is responsible is an element in a report to be created by or in conjunction with another officer) in the preparation and filing of such report within 48 hours.

3. First Violation

In the case of a first violation by a juvenile, the Chief of Police shall by certified mail, send to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of this ordinance and enforcement of parental responsibility to include expenses for removal of the ATV by a towing company.

## **Section IX. Continuing Evaluation**

The Town will continue its evaluation and updating of this ordinance as follows:

1. Reports to Selectmen:

The Chief of Police shall compile a report not less than once each calendar quarter, for submission to the Board of Selectmen and the Town Manager, noting any exceptional cases of ATV violations by juveniles. The Police Chief shall also include his advisory opinions for consideration by the appropriate committee and by the Selectmen in further updating and continuing evaluation of this ordinance.