

Utility Vehicles



**Town of Frye Island
Cumberland County
State of Maine**

**Chapter 106 -- Ordinance Prohibiting Unsafe Use of Utility Vehicles in the Town of Frye Island, Maine,
Providing Penalties for Violation Thereof**

GENERAL REFERENCES

**Golf Cart Ordinances -- [Chapter 105](#)
Moped, Motorcycle Ordinances -- [Chapter 107](#)**

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ARTICLE I

Use of Utility Vehicles

§ 106-1. Title:

This Ordinance shall be known as and may be cited as the "Ordinance Prohibiting Unsafe Use of Utility

Vehicles in the Town of Frye Island, Maine, Providing Penalties for Violation Thereof," and shall be referred to herein as "this chapter."

§ 106–2. Purpose:

The purpose of this Ordinance is to protect the health, safety and well-being of the citizens of Frye Island by prohibiting the unsafe use of Utility Vehicles on the public roads in the town, many of which have narrow roadways and hidden obstructions which may endanger the safety of persons driving, bicycling or walking on the roads or the safety of motorists, cyclists or pedestrians.

§ 106–3. Registration of Utility Vehicles:

- A. Prior to initial registration, the UTV must be inspected by a Law Enforcement Officer or a designated Town Official.
- B. No Utility Vehicle shall be used on Town public roads unless it has been registered with the Town Clerk and has been issued a license. The Town registration fee, license, insurance requirements and other requirements shall be as ordered by the Selectmen with the advice of the Executive Committee of the Board of Island Trustees. The owner must sign an acceptance of liability for any operator of the Utility Vehicle.
- C. No Utility Vehicle shall be used on Town public roads unless it bears a number identification issued by the Town Clerk. The number identification issued shall be as ordered by the Selectmen with the advice of the Executive Committee of the Board of Island Trustees.
- D. A Utility Vehicle is defined as a subset of ATV's as defined by the State of Maine and stated as such by the manufacturer's description on the Bill of Sale.
- E. No Utility Vehicle shall be used as an off road ATV.

§ 106–4. Unsafe use of Utility Vehicles prohibited:

The following practices constitute unsafe use of Utility Vehicles on Town public roads and will prevent it from being registered or being used on Town Roads:

- A. Use of a Utility Vehicle one half hour after sunset to one half hour before sunrise without headlights and rear lights installed and illuminated.
- B. Use of a Utility Vehicle without a rearview mirror.
- C. Use of a Utility Vehicle without a warning device such as a horn.
- D. Use of a Utility Vehicle with more than two people on each seat, unless the seat has been specifically designed by the manufacturer to hold more than two people. In no case shall there be more passengers than the Utility Vehicles is designed to carry.
- E. Use of a Utility Vehicle by a driver without a valid motor vehicle driving license in any class.
- F. Use of a Utility Vehicle not equipped with a speed governor.
- G. Operating a Utility Vehicle 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. Each Utility Vehicle must meet

noise emission standards of the United States Environmental Protection Agency and in no case exceed 82 decibels of sound pressure level at 50 feet on the 'A' scale as measured by the SAE standards.

- H. Operating a Utility Vehicle that is not equipped at all times with a working spark arrester. In addition to any penalties imposed under this subsection, the court may, subject to Title 17-A, chapter 54 of the Maine State Statues, order restitution for fire suppression costs incurred by state or municipal government entities in suppressing fires caused by operation of a Utility Vehicle without a working spark arrester.
- I. Operation of a Utility Vehicle at speeds greater than reasonable and prudent for the existing conditions, or greater than speed limits set by the Department of Transportation.
- J. Operating a Utility Vehicle in violation of ordinances or regulations applicable to motor vehicles, except as expressly permitted by the article, or in reckless manner in such a way as to recklessly create a substantial risk of serious bodily injury to another person.
- K. Operating a Utility Vehicle in a manner to endanger, so as to endanger any person or property.
- L. Operating a Utility Vehicle under the influence or with excessive blood-alcohol level. A person commits the crime of operating a Utility Vehicle while under the influence of intoxicating liquor or drugs if that person operates or attempts to operate any Utility Vehicle while under the influence of intoxicating liquor or drugs or a combination of liquor and drugs; or, for a person 21 years of age or older, while having alcohol levels in that person's blood; higher than the minimum requirements under TITLE 29-A, CHAPTER 19 for operation of motor vehicles; or, for a person less than 21 years of age, while having any amount of alcohol in the blood. Operating a Utility Vehicle while under the influence of intoxicating liquor or drugs is a Class D crime.
- M. Failure to comply with duty to submit. A person is guilty of failure to comply with the duty to submit to and complete a blood-alcohol or drug concentration test under TITLE 29-A, CHAPTER 23 of the Maine State Statues, if that person refuses to submit to or fails to complete a blood-alcohol or drug concentration test or both, when requested to do so by a law enforcement officer who has probable cause to believe that the person operated or attempted to operate a Utility Vehicle while under the influence of intoxicating liquor or drugs.

§ 106-5. Impoundment of Utility Vehicles:

When a law enforcement officer issues a summons for a violation under this ordinance, the officer may impound the Utility Vehicle operated by the person who received the summons if, in the judgment of the officer, based on actual previous offenses by the operator or other considerations, the operator will continue to operate the vehicle in violation and such operation may be a hazard to the safety of persons or property.

The operator or owner may reclaim his vehicle at any time subsequent to 24 hours after the issuance of the summons upon payment of the costs of impoundment to the enforcement agency impounding the vehicle.

§ 106-6. Violations and penalties:

Any person who violates any of the provisions of this Ordinance except §106-4L or §106-4M shall be guilty of a civil violation and, upon conviction, shall be fined not less than fifty dollars (\$50.) and not more than five hundred dollars (\$500.), with each incident being considered a separate violation: all fines accrue to the Town. A warning may be issued for a first offence.

Any person who violates provision §106-4L of this Ordinance shall be guilty of a Class D crime, and upon conviction, shall be punished according to TITLE 29-A, CHAPTER 23 of the Maine State Statues.

Any person who violates provision §106-4M of this ordinance shall be guilty of a Class E crime, and upon conviction, shall be punished according to TITLE 29-A, CHAPTER 23 of the Maine State Statues.

§ 106-7. Enforcement:

This Ordinance shall be enforced by the Town of Frye Island Police Department, the Cumberland County Sheriff's Department, or their designees.