

CITY OF EASTPORT
MOTOR VEHICLE ORDINANCE
(Revised April 1,2025)

Section 1. Title.

This Ordinance shall be known and may be cited as the “Motor Vehicle Ordinance of the City of Eastport, Maine.”

Section 2. Purpose and Preamble.

The increasing use of public roadways for recreational purposes within the municipal boundaries of the City of Eastport has generated safety, parking, and law enforcement issues which are the responsibility of the City of Eastport to address. The purpose of this Ordinance is to regulate the types of vehicles that may use municipally-maintained roads City of Eastport, identify specific rules designed to ensure the safe operation of such vehicles, and ensure that public ways remain open and available for safe use by all Eastport residents, businesses, and visitors.

Section 3. Authority.

This Ordinance is enacted pursuant to the authority granted to home rule municipalities by M.R.S.A. Title 30-A §2101 - §2109

Section 4. Definitions.

As used in this Ordinance, unless the context otherwise indicates, the following terms have the following meanings:

Electric bicycle. "Electric bicycle" means a 2-wheel or 3-wheel bicycle with fully operable pedals and an electric motor of less than 750 watts that is a Class 1 electric bicycle, a Class 2 electric bicycle or a Class 3 electric bicycle as defined in this subsection.

A. "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

B. "Class 2 electric bicycle" means an electric bicycle equipped with a motor that is capable of being used exclusively to propel the bicycle but is not capable of propelling the bicycle at a speed of 20 miles per hour.

C. "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

Electric personal assistive mobility device. "Electric personal assistive mobility device" means a self-balancing, 2-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

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 carts may not be registered as LSVs under M.R.S.A Title 29-A. Golf cart does not include an OHV as defined in Title 12 M.R.S.A. §13001.

Low-speed vehicle (LSV): A 4-wheeled motor vehicle that is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour and is less than 1,800 pounds in unloaded weight. An LSV must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500. LSVs must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers. LSVs are registered, inspected, and plated by the Bureau of Motor Vehicles for safe operation on public roads under M.R.S.A Title 29-A. Low-speed vehicle does not include an OHV as defined in Title 12 M.R.S.A. §13001.

Moped. "Moped" means a motorized device designed to travel with only 2 or 3 10-inch or larger diameter wheels in contact with the ground and that may have fully operative pedals for propulsion by human power; has an electric or a liquid fuel motor with a cylinder capacity displacement not exceeding 50 cubic centimeters or an electric motor with a capacity under 1,500 watts; and is equipped with a power drive system that functions only directly or automatically

and does not require clutching or shifting by the operator after the drive system is engaged. : Moped does not include an electric personal assistive mobility device or electric bicycle.

Motor vehicle. "Motor vehicle" means any electric or combustion-powered, self-propelled a device for conveyance of persons or property. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on railroad tracks, snowmobiles, or electric personal assistive mobility device or ATV.

Off-highway vehicle (OHV). "Off-highway vehicle" means a motor vehicle that, because of the vehicle's design, configuration, original manufacture or original intended use, does not meet the inspection standards Title 29-A M.R.S.A., the Federal Motor Vehicle Safety Standards, the United States Environmental Protection Agency's pollutant requirements or the National Highway Traffic and Safety Administration's crash testing standards, and that is not a moped or motorcycle. OHVs includes All-terrain Vehicles (ATVs), Off-highway Motorcycles (OHMs), Off-road Vehicles (ORVs), Utility Terrain Vehicles (UTVs, otherwise known as side-by-sides), or other type of vehicle that is capable of driving off road on non-paved surfaces that are not , such as trails and forest roads that have rough and low-traction surfaces

Operate. "To operate" in all its moods and tenses when it refers to a motor vehicle, means to use the vehicle in any manner within the jurisdiction of the City of Eastport, whether or not the vehicle is moving.

Owner. "Owner" for the purposes of this Ordinance, means any person holding title to a motor vehicle

Public way. "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass. A "Public way" can be paved or unpaved.

Motorcycle. "Motorcycle" means a motor vehicle that has a seat or a saddle for the use of the rider and is designed to travel with only 2 or 3 10-inch or larger

diameter wheels in ground contact and has a motor with a cylinder capacity of more than 50 cubic centimeters or an electric motor with a capacity of not less than 1,500 watts.

Motorized scooter. "Motorized scooter" means a scooter that has 2 or 3 wheels less than 10 inches in diameter in ground contact or is powered by a motor having a maximum piston displacement of less than 25 cubic centimeters or an electric motor with a capacity not exceeding 750 watts. "Motorized scooter" does not include an electric personal assistive mobility device or an electric bicycle.

Motorized wheelchair. "Motorized wheelchair" means a battery-powered device used exclusively for the transportation of an individual with a physical disability. Motorized wheelchair does not include an electric personal assistive mobility device.

Section 5. Administration.

The Eastport City Clerk or designee shall be the designated municipal agent to issue motor vehicle registrations pursuant to M.R.S.A. Title 29-A §201.

Section 6. Motor Vehicle Operation.

1. Except as specified in Section 7 and 8, only motor vehicles registered by the Bureau of Motor Vehicles, or their designated Municipal Agent under M.R.S.A Title 29-A are permitted to operate on the public ways. These include, but are not limited to:

- (1) Passenger vehicles
- (2) Commercial & farming vehicles
- (3) Motorcycles
- (4) Motor homes
- (5) Mopeds
- (6) Low-speed vehicles (LSVs)

2. Modes of transportation that may be exempt from the registration requirement under M.R.S.A Title 29-A, but are also permitted on public ways unless prohibited by Ordinance and appropriate signage include, but are not limited to:

- A. A pedestrian, including a person providing of emergency or roadside assistance;
- B. A person riding, guiding or leading an animal;
- C. A person being guided by a service animal; or
- D. A person lawfully on or within a public way, crosswalk or shoulder portion of the public way who is lawfully operating, riding, using, holding or otherwise on or in any of the following devices:
 - (1) A bicycle, or a device that is an extension of a bicycle such as an extend-a-bike, a bicycle trailer or a child's bicycle seat;
 - (2) A motorized bicycle or tricycle, including an electric-assisted bicycle;
 - (3) A farm tractor or similar vehicle designed primarily for farm use;
 - (4) A skateboard (except in areas that specifically prohibiting their use)
 - (5) Roller skates;
 - (6) In-line skates;
 - (7) A scooter;
 - (8) A horse-drawn carriage;
 - (9) An electric personal assistive mobility device;
 - (10) A wheelchair (human-powered or motorized);
 - (11) A Segway; or
 - (12) Roller skis

Section 7. Operation of OHVs on Public Way

OHVs may not be registered in accordance with M.R.S.A Title 29-A. Except as provided below, no person may operate an OHV upon any portion of a public way maintained or utilized for the operation of conventional motor vehicles or upon the sidewalks of any public way. Exceptions include:

1. OHVs owned by the municipality and operated by municipal authorities or designee in the conduct of official business.
2. OHV operation is limited to agricultural purposes in connection with a farm and to operation from or to the premises where kept, from or to a farm lot or between farm lots used for farm purposes by the OHV owner.
3. OHV operation on streets and public ways during a period of emergency when the emergency has been so declared by a public agency having

4. jurisdiction and when travel by conventional motor vehicles is not practicable.
5. OHV operation on public ways in special events of limited duration conducted according to a prearranged schedule, under a permit from the governmental unit having jurisdiction.

Where OHV operation is permitted on public ways, operators must adhere to the following:

1. The OHV must be registered in accordance with M.R.S.A Title 12 §13155.
2. The OHV operator must be at least 16 years of age, hold a valid and unrestricted driver's license, and provide proof of insurance that covers OHV operation on a public road
3. OHV speed may not exceed 25 mph while operating on the public way
4. OHV operation shall be prohibited during the hours from sunset to sunrise
5. OHVs may operate on a public way only the distance necessary on the extreme right of the public way, and in the same direction as other motor vehicle traffic.
6. The OHV operator must observe all rules and regulations applicable to conventional motor vehicles travel on the same public way
7. OHV operation is prohibited on public ways maintained by the Maine Department of Transportation, which includes
 - a. State Route 190
 - b. The County Road
 - c. Washington Street

Appropriate deviations from these restrictions are permitted for OHV operation by municipal authorities in the conduct of official business.

If and when the Maine Department of Inland Fisheries and Wildlife establishes an approved OHV trail within the Eastport City Limits, this Ordinance may be revised to accommodate designed OHV access routes in accordance with guidelines specified in M.R.S.A Titles 12 and 29

Section 8. Operation of Golf Carts on the Public Way

Golf cart operation is prohibited on all Eastport public ways except those labeled as a 'golf cart access route' with postings conspicuously placed at regular intervals. In order to operate a golf cart on an Access Route, it must be registered with the Eastport City Clerk's office

Any golf cart upgraded to a low-speed vehicle is no longer considered a golf cart and then becomes subject to registration, inspection, plating, and licensure requirements under M.R.S.A Title 29-A.

Where permitted, operators of golf carts must adhere to the following:

1. The golf cart operator must be at least 16 years of age, hold a valid and unrestricted driver's license, and provide proof of insurance that covers operation of the golf cart on a public road
2. Golf cart speed may not exceed 20 mph while operating on the public way
3. Golf cart operation shall be prohibited during the hours from sunset to sunrise
4. Golf carts must operate in the same direction as other motor vehicle traffic.
5. The golf cart operator must observe all rules and regulations applicable to conventional motor vehicles travel on the same public way.

Section 9. Violations

Any person who engages in any act prohibited by this Ordinance commits a civil violation and shall be liable for a civil penalty not to exceed \$100.00 and each day such activity occurs shall constitute a separate violation. Additional penalties may be incurred for any violation of laws governing conventional motor vehicle operation. All fines collected shall inure to the benefit of the City of Eastport.

Section 10. Impoundment.

Any vehicle operated in violation of this Ordinance by a minor under eighteen (18) years of age may be impounded for up to 24 hours and shall be released only to the parent or guardian of the minor operating the impounded vehicle. The parent or guardian may claim the impounded vehicle upon payment of cost of the

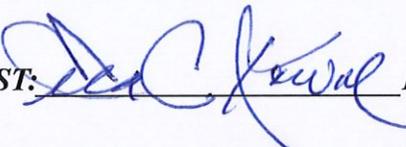
impoundment. Impounded vehicles can only be removed in accordance with the regulations of this ordinance.

Section 11. 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 decision shall not be Deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 12. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after the date of its official adoption. **Adopted: April 9th, 2025**

ATTEST:  Ella C. Kowal City Clerk DATED: April 9th, 2025

Reference to Agenda “Item III(a) – Action on Public Hearing” – Council Meeting of April 9th, 2025

(1) Proposed City of Eastport Motor Vehicle Ordinance

MOTION DANA-CUMMINGS SECOND STEVENS (PASSED 4-1)

Councilor Alvah Seeley, III voted “no”

To pass and adopt the City of Eastport Motor Vehicle Ordinance as is.

