

Ordinance Limiting Motor Vehicle Access to Great Ponds

Section 1: Title This Ordinance shall be known and may be cited as the "Ordinance Limiting Motor Vehicle Access to Great Ponds," and is referred to hereafter as the "Ordinance."

Section 2: Authority. This Ordinance, as amended, is adopted pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 4, Chapter 141 (30-A M.R.S.A. § 3001, *et seq.*), specifically 30-A M.R.S.A. § 3009 (1)(E); and Title 22, Subtitle 2, Part 5, Chapter 601, Subchapter 4, Article 141, § 2642 (22 M.R.S.A. § 2642).

Section 3: Purpose. The purpose of this Ordinance is to prohibit motor vehicles, as defined herein, from driving upon or entering upon the surface of the great ponds of Mount Desert, when icebound, for reasons of public health, safety and welfare.

Section 4: Applicability. The Ordinance shall apply to: Jordan Pond in Seal Harbor and Upper Hadlock Pond and Lower Hadlock Pond in Northeast Harbor.

Section 5: Definition of Motor Vehicle. For purposes of this Ordinance, the term "motor vehicle" shall be as defined in M.R.S.A 29-A § 101(42), as may be amended from time to time. For convenience, § 101(42) is reproduced below.

"Motor vehicle." "Motor vehicle" means a self-propelled vehicle not operated exclusively on tracks but does not include:

- A. A snowmobile as defined in Title 12, section 13001;
- B. An all-terrain vehicle as defined in Title 12, section 13001, unless the all-terrain vehicle is permitted in accordance with section 501, subsection 8 or is operated on a way and section 2080 applies; and
- C. A motorized wheelchair or an electric personal assistive mobility device.

Section 6: Motor Vehicles Prohibited From Icebound Surface of Ponds. No person shall operate a motor vehicle on the icebound surface of the above named ponds and no person shall allow a motor vehicle owned by him or her or under his or her control to enter upon the icebound surface of the above named ponds

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Section 7: Penalty and Costs. Any person or corporation who violates, disobeys, refuses to comply with, or resists the enforcement of any provision of this ordinance shall upon conviction, be fined not less than One Hundred Dollars (\$100), nor more than Two Thousand Five Hundred Dollars (\$2,500) for each offense. Each violation shall be deemed a separate offense. In addition, pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 6-A, Chapter 187, Subchapter 5 (30-A M.R.S.A. § 4452), the Town may recover all costs of enforcement of this ordinance, including reasonable attorneys fees. In addition, any person violating this Ordinance shall also be liable to any other appropriate party for any costs incurred as a result of the violation, including but not limited to costs associated with the salvage of the motor vehicle from the pond.

Section 8: Enforcement. In addition to enforcement by appropriate State and local law enforcement officials, actions to enforce collection of fines and costs may be brought by the Town on civil complaint against the violators of this Ordinance.

Section 10: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11: The effective date of this Ordinance is: May 5, 2009.

Section 12: This Ordinance shall expire and be of no force or effect on May 7, 2024.