

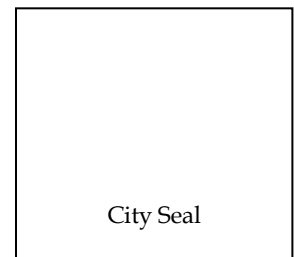
CHAPTER 41
CITY OF PRESQUE ISLE

Bike/Walker's Path Ordinance



Adopted: December 15, 1997
Repassed: March 19, 2001
Repassed: February 23, 2005
Repassed: February 2, 2009
Revised by the City Council: October 1, 2012
Repassed: January 4, 2017
Repassed: January 6, 2021

Attest: _____
Thomas C. King, City Clerk



CHAPTER 41

BIKE/WALKER’S PATH ORDINANCE

SECTION DEFINITIONS

When used in this Ordinance:

1. The term “Bike” or “Bicycle” shall mean any device that is propelled manually by its rider, without the aid or assistance of any motorized devices; provided, however, nothing herein shall prevent those persons requiring the use of a wheelchair, whether motorized or not from utilizing the Bike Path. The term “Rider” shall mean a person who is propelling the bike or bicycle.
2. The term “Motor Vehicle” shall mean any mode of transportation that is self-propelled by mechanical means, other than by the rider, including without limiting the generality of the foregoing, automobiles, motor bikes, motor scooters, snowsleds, and go-carts.
3. Where hours of time for use of the Path are posted, it shall mean Eastern Standard Time or Daylight Saving Time, whichever is in effect, either by Ordinance or custom in the City of Presque Isle, or by State or Federal Law.
4. The term “Pedestrian” shall mean all persons on foot or roller skates who are using the facility designated as the Bike/Walker’s Path, in accordance with this Ordinance, and who are not otherwise violating any State Law or City Ordinance.
5. The term “Path” shall mean the entire Bike/Walker’s Path including paved and grass areas as laid out and established by the City, which is so designated by signs or otherwise.

SECTION 2 POLICE AUTHORITY

1. All regulations of this Ordinance are subject to the provisions that all persons using the Path shall at all times comply with any direction, by voice or hand, given by any law enforcement officer, including the operation of any mechanical device on the Path, whether permitted or not.
2. The City Manager and the Chief of Police shall determine and designate the character of all official warning or directional signs or signals on or about the Path. No other signs shall be permitted thereon.
3. No person shall violate the instructions of any sign or signal, marks upon the traveled way, barriers or device authorized or approved by the City Manager and the Chief of Police, nor willfully deface, injure, move or interfere with the same.

SECTION 3 PERMITTED USE

1. It is declared intention of the Municipal Officers that the Bike/Walker’s Path, as created, established and maintained, shall be dedicated to the use and accommodation of pedestrian and bicycle rider traffic as defined herein only.
2. The Path and the rest areas shall be used only during posted hours.
3. Speed of any bicycle while travelling on the Path shall be controlled by posted signs.
4. The following motor vehicles are permitted to be operated on the Path: police vehicles while on duty and maintenance vehicles operated by employees of the City; all other motor vehicles, including automobiles, pickup trucks, motor cars, motor bikes, snowmobiles, go-carts and motor scooters are prohibited from any portion or part of the Path. Ownership of any motor vehicle found upon the Bike/Walker’s Path, in violation of this Ordinance, shall be prima facie evidence that it was left there or operated or used in violation hereof by the owner thereof.
5. All users of the Path shall stop at all intersections where the Path crosses or intersects a public street. Vehicles travelling on the public street shall have the right of way over users of the Path at all times. Users of the Path shall not cross a public street without first ascertaining that it is safe to cross or enter said public street. For the purpose of this section the Bike/Walker’s Path shall be construed as a “Private Road” in accordance with Title 29, M.R.S.A. § 944, 1964, as amended.
6. Bike riders, and those persons using roller skates and/or skate boards shall keep, as closely as possible, to the right hand boundary of the traveled path.
7. Any other use of the Path by any person or persons shall be prohibited unless prior written consent and approval is obtained from the City Manager.
- 8. No person or group of persons shall loiter or congregate on the path or adjacent grass areas, owned by the City, without prior permission from the Director of the Presque Isle Recreation Department. Violators may be trespassed from the path and subject to the penalties set forth in Section 4 of this Ordinance.**

SECTION 4 PENALTIES

1. Whoever violates any provisions of this Ordinance shall be punished by a fine not exceeding \$100.00 for each offense, said fine to inure to the benefit of the City.
2. If any provision of this Ordinance is held to be invalid, the remainder of the Ordinance shall not be affected thereby.

SECTION 5 SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.