

## YORK WATER DISTRICT/KITTERY WATER DISTRICT

**POLICY:** Source Water Protection Area Watershed Recreational ATV Permit and Recreational ATV Use Policy

**DATE ISSUED:** 2.9.17

**BOARD APPROVED:** 2.8.17 by YWD. 2.9.17 by KWD.

Supersedes any previous policy

**REVISION DATE:**

### Purpose

The purpose of this policy is to properly protect the natural resources within the York Water District (YWD) and Kittery Water District (KWD) Watershed Areas to ensure the ongoing high quality water both utilities supply to our communities while allowing limited recreational use.

It is the desire and intention of the Districts to gain voluntary compliance to all laws and rules related to the safe operation of ATV's while on the District's property. We will work to educate property users through signs, newspaper articles, watershed brochures, District websites and personal interactions with the Resource Protection Manager/Watershed Patrol Officer or designated representative.

However, when a person violates this policy the Resource Protection Manager/Watershed Patrol Officer, Police, Warden or designated representative is authorized to take action to enforce this policy.

### Area

This policy covers the watershed land and waterbodies owned, operated, managed and maintained by the Districts surrounding Bell Marsh Reservoir, Boulter Pond, Folly Pond, Middle Pond (KWD), Chase's Pond, Welch's Pond (YWD) and their tributaries, known as a Source Water Protection Area as defined in Title 30-A, Section 2001, subsection 20-A.

### Definitions

All-Terrain Vehicle (ATV): On District property, this means; any 3 wheeled, 4 wheeled, 6 wheeled and 8 wheeled motor driven, recreational off road vehicles, for the purpose of this policy it does not include automobiles, snowmobiles, 2 wheeled motorcycles, dirt bikes or motor driven cycles of any kind. 2 wheeled motorcycles, dirt bikes or motor driven cycles of any kind are not allowed to be used.

### Scope

This policy places additional rules specific to the protection of our water supplies and natural resources on any ATV owner/operator utilizing the York Water District or Kittery Water District management roads and trails. It defines the ATV watershed permit process and responsibilities of the ATV permit holder(s). It is the ATV owner/operator's responsibility to know and obey all laws and rules related to any use of the property.

### Responsibility

The decisions regarding interpretation of this policy are the responsibility of the Resource Protection Manager and the two Districts Superintendents.

## Policy

ONLY RESIDENTS OF OR PROPERTY OWNERS IN TOWNS SERVED BY THE TWO WATER DISTRICTS ARE ELIGIBLE TO APPLY FOR A WATERSHED ATV PERMIT. THE TOWNS ARE; KITTERY, ELIOT AND YORK IN THE STATE OF MAINE.

- All State of Maine ATV Laws & Rules apply.
- It is the responsibility of the ATV operator to know and follow all ATV laws and rules.
- A properly registered snowmobile may be operated on the District properties without a permit/permission.
- Watershed ATV permit applications are available at the York Water District Office, the Kittery Water District office, the Resource Protection Office or online at [yorkwaterdistrict.org](http://yorkwaterdistrict.org).
- All ATV owners who wish to operate their ATV on District property must fill out a watershed permit application and possess a valid State of Maine ATV registration and supply a copy of their registration at time of application. Completed applications and copy of the registration can be returned to the District Offices or the Resource Protection Office for approval.
- All approved watershed ATV permits expire annually on June 30<sup>th</sup>. It is the responsibility of the permit holder to renew their permit each year.
- All ATV's must be operated safely at 15 MPH or less.
- No off "management road" or off "management trail" use is allowed.
- Any vehicle with a combustible engine including ATV's are not allowed in or on any of the reservoirs, ponds or their tributaries.
- No person, by any method, will cross any public water supply during open water or ice.
- Per State of Maine ATV Law; No person under ten years of age may operate any ATV on the watershed property or apply for an ATV watershed permit.
- Per State of Maine ATV Law; A person 10 years of age or older but under 16 years of age must successfully complete a State of Maine approved ATV training program with that person's parent or guardian.
- If a person 10 years of age or older but under 16 years of age is going to operate an ATV on District property that person, parent or guardian must supply a copy of their ATV training certificate with the ATV permit application.
- Per State of Maine ATV Law; A person 10 years of age or older but under 16 years of age must be accompanied by an adult 21 years of age or older anytime they operate an ATV.
- There is a combined (YWD & KWD) limit of 500 ATV permits available each year on a first come, first serve basis.
- Guest permits are available on a limited basis to watershed ATV permit holders. Only one permitted ATV can apply for one guest permit. These permits cannot be used in place of a watershed permit for ATV owners who are eligible to receive a permit of their own. Guest permits are for ATV owners/operators who are ineligible to apply for their own permit such as a resident of another State or town. A guest permit allows the guest to ride their ATV with an active permit holder. The active permit holder is responsible for their guest. The active permit holder must stay with the guest while operating their ATV on these trails. The guest ATV must possess a valid Maine resident or Maine out of State ATV Registration. State ATV registrations other than Maine are not allowed.

### Violations

When a person violates this policy the Resource Protection Manager/Watershed Patrol Officer, Police or Warden is authorized to take action to enforce the policy. Enforcement can vary from a simple discussion, verbal warnings, written warnings, being told to leave the property, issuing a summons to court for the violation, revocation of the permit and loss of privilege to use the property or any combination of enforcement actions.

### Complaint Procedure

Any complaints/concerns about this policy should be directed to the Superintendent of either District.

Feb 9, 2011