

CHAPTER 185

The Board of Selectmen of Pembroke, New Hampshire, ordain as follows:

SEASONAL & OHRV RESTRICTIONS ON CLASS VI HIGHWAYS **[Approved by the Board of Selectmen on 4-16-2012; Amended 2/6/17;** **Amended 1/19/22]**

185-1 Declaration of Purpose:

The purpose of this Ordinance is to protect the Town of Pembroke's Class VI highways from unreasonable damage by authorizing the imposition, by means of posting, of weight restrictions during the times and seasons when such highways are most vulnerable to damage from heavy vehicles.

In addition, the Town permits appropriate Off Highway Recreational Vehicle (OHRV) usage on Class VI roadways; this ordinance is intended to identify and regulate lawful operation, permitted access, and travel routes.

185-2 Title:

This Ordinance shall be known and may be cited as the "Seasonal & OHRV Restrictions on Class VI Highways of the Town of Pembroke".

185-3 Authorities:

RSA 41:11, RSA 47:17, RSA 231:191, RSA 215-A:15, RSA 231:21-a, and RSA 236:9-11.

185-4 Seasonal Weight Restrictions on Class VI Highways:

- A. All unmaintained portions of Class VI highways within the Town of Pembroke shall be closed to all motorized, wheeled vehicles with a gross weight exceeding 1,800 pounds, from December 16 to May 31 of each year. Such restrictions shall be imposed by the posting of permanent, legible signs by the Director of Public Works at points of access to Class VI highways from other public ways, which signs shall be consistent with this Ordinance. The signage for seasonal weight restrictions may be combined with the signage for OHRV use.
- B. In addition to the provisions in Section 4A, the Director of Public Works, or his or her designee, is authorized to impose temporary restrictions on

the use of any unmaintained portion of a Class VI highway, or portions thereof, by motorized, wheeled vehicles with a gross weight exceeding 1,800 pounds during such conditions of ground saturation, surface runoff, freezing, thawing, or other weather conditions that, in his or her judgment, have rendered the highway susceptible to unreasonable damage if used by such vehicles. Such restrictions shall be imposed by posting temporary, legible signs at points of access to the restricted portion of the Class VI highway, which shall be consistent with this Ordinance. The signage for temporary weight restrictions may be combined with the signage for OHRV use.

C. Exemptions

1. Town or other government vehicles being used for official business, utility trucks servicing local utilities on an emergency basis, and emergency vehicles responding to an emergency, shall be exempt from the posted weight restrictions.
2. Any vehicle owned or operated by a person whose property is accessible only by a posted Class VI highway shall be exempt from the posted weight restrictions if such restrictions would entail practical difficulty or unnecessary hardship in the use of the owner's property. This exemption shall be limited to those portions of the highway which are the minimum necessary for reasonable access to the owner's property.
3. The use of a posted Class VI highway by vehicles not in compliance with posted weight restrictions, and not otherwise eligible for an exemption as provided in paragraphs C1 and C2, may be authorized by written permit issued by the Director of Public Works. The applicant for such a permit must identify an urgent need for an exemption and why the posted weight restrictions entail practical difficulty or unnecessary hardship. The applicant must also agree to comply with any reasonable requirements established by the Director of Public Works for the exemption. At the discretion of the Director of Public Works, the posting of a bond, to cover the cost of repair of damage to the highway, may be required as a condition for the issuance of a permit. The Director of Public Works will impose reasonable conditions for any such bonding and any restoration of the highway.

185-5 OHRV Use on Class VI Roads:

- A. Definition: "Off highway recreational vehicle or OHRV" means any mechanically propelled vehicle used for pleasure or recreational purposes

running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV. OHRVs shall not include snowmobiles as defined in RSA 215-C.

- B. Permitted Travel Routes: OHRVs are permitted to operate on the unimproved portions of Class VI highways in the Town of Pembroke unless otherwise posted.
- C. Prohibitions: OHRVs operated within the Town of Pembroke shall be in compliance with all OHRV laws of the State of New Hampshire including but not limited to RSA 215-A and administrative rules Fis 1500. OHRV use on all unmaintained portions of Class VI highways within the Town of Pembroke shall be prohibited during the period from December 16 to May 31 of each year.
- D. Signage: Notice of this ordinance shall be given by the posting of permanent, legible signs by the Director of Public Works at points of access to Class VI highways from other public ways, which signs shall be consistent with this Ordinance. The signage for OHRV use may be combined with the signage for weight restrictions.

185-6 Fines in the Event of a Violation:

Any person who violates the provisions of this Ordinance shall be guilty of a violation and fined \$150 for the first offense and \$300 for each subsequent offense within a calendar year, and shall be liable for any costs to repair, remedy, or otherwise return the road to an acceptable and stable condition as determined by the Director of Public Works and pursuant to RSA 236:38 and :39.

185-7 This Ordinance shall be effective as of the date of passage.

UPDATED ??/??/2021