

## CHAPTER 185

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

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

#### **185-1 Declaration of Purpose:**

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

#### **185-2 Title:**

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

#### **185-3 Authorities:**

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

#### **185-4 Seasonal 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 bear the legend "Road Closed to Vehicles in excess of 1,800 pounds G.V.W. December 16 to May 31. Violators will be fined up to \$1,000 and may be held liable for roadway damages under RSA 236:38 and RSA 236:39".
- 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 bear the legend “Road Temporarily Closed to Motorized Wheeled Vehicles in excess of 1,800 pounds G.V.W. Violators will be fined up to \$1,000 and may be held liable for roadway damages under RSA 236:38 and RSA 236:39”.

#### **185-5 Exemptions:**

- A.** 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 restrictions.
- B.** 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 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.
- C.** The use of a posted Class VI highway by vehicles not in compliance with posted restrictions, and not otherwise eligible for an exemption as provided in paragraphs 5A and 5B, 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 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.

#### **185-6 Fines in the Event of a Violation:**

Any person who shall drive or cause to be driven a prohibited vehicle on a Class VI highway so posted, 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.