

CHAPTER 184 OHRV Prohibitions

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

OFF-HIGHWAY RECREATIONAL VEHICLE (OHRV) USE ON CLASS VI HIGHWAYS

[Approved by the Board of Selectmen on April 7, 2021]

1.0 Purpose

The Town of Pembroke permits appropriate recreational Off Highway Road Vehicle (OHRV) usage on Class VI roadways. This ordinance is intended to identify lawful operation, permitted access, and travel routes.

2.0 Authority

Pursuant to NH RSAs 41:11, which authorizes the Board of Selectmen to regulate the use of roads in the Town, and 215-A:15 which specifically authorizes the Board of Selectmen to make special regulations concerning OHRVs, the Pembroke Board of Selectmen does hereby enact the following:

3.0 Definitions

3.01 "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.

4.0 Permitted Travel Routes

OHRVs are permitted to operate on the unimproved portions of Class VI highways in the Town of Pembroke unless otherwise posted.

5.0 Prohibitions

5.1 OHRVs operated within the Town of Pembroke shall be in compliance with all OHRV laws of the State of New Hampshire as codified under RSA Title XVIII CHAPTER 215-A and rules of the New Hampshire Department of Fish and Game as codified under CHAPTER Fis 1500.

5.2 OHRV use of roads within the Town of Pembroke shall be prohibited during the period from December 16 to May 31 of each year.

6.0 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 bear the legend "OHRV use prohibited 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".

7.0 Penalties

Any person who violates the provisions of this ordinance shall be guilty of a violation and shall be fined \$150 for the first offense and \$300 for each subsequent offense within a calendar year. For violations involving damage to roadways, operators 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. Enforcement of this ordinance shall be in accordance with NH RSA 31:39-c

8.0 Effective Date

This ordinance shall be effective 4/7/21.



OHRV USE PROHIBITED

**DECEMBER 16 THROUGH MAY 30
(SNOWMOBILES EXCEPTED)**

**VIOATORS WILL BE FINED UP TO \$1,000
AND MAY BE HELD LIABLE FOR ROADWAY
DAMAGES UNDER RSA 236:38 AND 236:39
PEMBROKE TOWN CODE AS
APPROVED BY THE PEMBROKE
BOARD OF SELECTMEN**