

Town of Gilmanton, New Hampshire
ORDINANCE MAXIMUM WEIGHT LIMITS

In accordance with and under the authority of New Hampshire Revised Statutes Annotated, Chapter 231:191, the Town of Gilmanton Board of Selectmen hereby establishes the following ordinance regarding setting Maximum Weight Limits on Town Roads.

PURPOSE

The purpose of this ordinance is to protect the infrastructure of the Town, the safety, health, and welfare of the general public, and to regulate the use of the municipal roads, sidewalks, and parking areas within the Town of Gilmanton.

Section I
DEFINITIONS

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

The word VEHICLE shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

The word ROADWAY shall mean any public street, avenue, road, lane, path, alley or other public place located in the Town of Gilmanton and established for the use of vehicles.

The word PERSON shall mean and include any individual, firm partnership, association or corporation.

The word OPERATOR shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of the vehicle.

Section II

- I. The Board of Selectman for the Town of Gilmanton may establish maximum weight limits, seasonal or otherwise, which are more restrictive than limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, when the highway agent determines that such highway requires postings to prevent unreasonable damage or extraordinary municipal maintenance expense. Such posting shall be in accordance with currently acceptable practices and technology.

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- II. Maximum weight limits shall be posted, in the same manner as bridges are posted pursuant to RSA 234:39 and 266:18-c, at all entrances to the restricted roadway or portion of such roadway from other public roads/highways. Such signage shall be legible, posted in a conspicuous location, and be of weather resistant materials.
- III. It shall be unlawful for any person to drive a vehicle in violation of such maximum weight limits without written permission provided in an expeditious manner from 2 or more selectmen or highway agent in Gilmanton. The names of the officials authorized to grant written permission shall be posted prominently in the town office. Officials authorized to grant written permission may impose reasonable conditions and may establish reasonable regulations for bonding and restoring the highway.
- IV. A person who violates such maximum weight limits shall be required to restore such highways if the municipality has reason to believe that the highway damage or disturbance is attributable to vehicles or activities under such person's control or responsibility. Upon request, the municipality shall provide such person with the municipality's reasons, including any inspection reports.
- V. No vehicle or commercial enterprise serviced by such vehicle shall be exempt from such maximum weight limits because of prior highway use or existing use of abutting land; provided, however, that any owner of land or a commercial enterprise served by such highway, who demonstrates that such limits would entail practical difficulty or unnecessary hardship, and who complies with all conditions and regulations concerning bonding and restoration, shall be granted an exemption unless the exemption would be detrimental to public safety. For the purposes of this paragraph, "unnecessary hardship" shall include any weight restriction which results in significant interference with a commercial enterprise or land use which existed prior to the posting of the weight restriction.
- VI. Any person who violates any provision of this section or the rules or regulations made under authority under this section shall be guilty of violating the Ordinance, and in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.
- VII. VII. When the Board of Selectman establish maximum weight limits more restrictive than the limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, seasonal or otherwise, which restricts a commercial or industrial company operated or located in Gilmanton, they shall hold a hearing if requested by the impacted business. The hearing shall be

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held within 15 working days of receipt of a certified letter by the local governing body from the impacted business requesting a hearing, otherwise enforcement of the maximum weight limits established by that municipality shall be suspended for the remainder of the year or until such hearing is held.

- VIII. Emergency vehicles, vehicles delivering home heating fuel, and school buses picking up and dropping off children, shall be exempt from this ordinance, unless specifically ordered otherwise by the Town of Gilmanton.

**Section III
PENALTIES**

Any person who violates any provision of this Ordinance shall be guilty of a violation and subject to a penalty in the amount of \$1000.

Passed and approved by the Selectmen of Gilmanton, New Hampshire this _____ day of _____, 2022.

_____ Chairman _____ print

_____ Selectman _____ print

_____ Selectman _____ print