LIMITED WEIGHT ROADS
Ordinance

The Town of Farmington Ordains:

SECTION I

Authority: RSA 231:91

SECTION II

Purposes: To determine those Town streets, highways and/or bridges, which are not able to carry heavy loads and regulate the use of those streets, highways and/or bridges so that the public expense and inconvenience are minimized.

SECTION III

Designation of Limited Weight Highways and Bridges: All streets, highways and/or bridges in the Town are subject to be designated as limited weight and being posted as such. The Road Agent shall periodically review all streets, highways and/or bridges maintained by the Town and proposed posting as may be necessary. The Board of Selectmen has final authority over the posting of streets, highways and /or bridges.

SECTION IV

Limitation of Use: Except as specifically provided in Section V below, it shall be unlawful for any person to operate any motor vehicle weighing more than eight (8) tons on any limited weight street or highway from March 1st to May 1st or as deemed necessary.

SECTION V

Exceptions: The provisions of this ordinance shall apply to:

A. Any motor vehicle operated by the Town
B. Any permitted business in the Town of Farmington operating a Motor Vehicle which when empty over eight (8) tons from their place of business to and from N.H. Route 11 and N.H. Route 153 and 75.
C. Delivery vehicles making occasional trips to service residences.
D. Any other vehicle for which the Road Agent has issued a special permit in accordance with Section VI, below.

SECTION VI

Special Permits: The Road Agent may issue a special permit for the operation of vehicles weighing more that eight (8) tons over limited weight streets, highways and/or bridges only on the following conditions:

A. The Road Agent determines that the vehicle will not cause unusual damage to the highway; or
B. The owner of the vehicle deposit with the Town security, in the form of cash or bond guaranteed by an insurance or bonding company licensed to do business in the State of New Hampshire, in an amount the Selectmen determine to be sufficient to pay for the repair of all unusual damage the vehicle is likely to cause. When the operation allowed by the special permit is completed, or during the operation if necessary, the Road Agent shall cause the street, highway or bridge to be promptly repaired to a condition equal to that which existed prior to the operation and return any if the security then remaining; provided, if the actual cost of repairs exceeds the security posted, the owner of the vehicle shall pay to the Town the additional costs incurred.

SECTION VII

Forestry/Logging Operations: All forestry/logging operations shall comply with the following restrictions:

A. The access to all operations, off Town roads, shall be as approved by the Road Agent in writing; and
B. No Town road shall be used for the storage of logs or any other materials or vehicles, nor shall logs be dragged along any roads or across Town bridges; and
C. All operations with access off a gravel or paved Town road may be required to provide a security in the form of cash, bond or certified check, at the time the Intent to Cut is approved by the Board of Assessors and/or Selectmen.
D. The amount of the security assessed to a forestry/logging operation shall be assessed by the Board of Selectmen's discretionary powers.

SECTION VIII

Appeal: Any person, who is aggrieved by the Road Agent issuing or refusing to issue a special permit, may, within ten (10) days of the decision of the Road Agent and not after that, appeal that decision to the Board of Selectmen. Upon receipt of such appeal, the Selectmen shall schedule a public meeting, at which all interested parties may present any relevant evidence; and, at the conclusion of the public meeting, affirm, modify or set aside the decision of the Road Agent.

SECTION IX

Penalty: Any person or legal entity who fails to comply with the provisions of this ordinance shall be guilty of an offense and upon conviction, may be fined not more than One Thousand Dollars ($1,000).

SECTION X

Enforcement: The Road Agent and Police Department shall be responsible for enforcing this ordinance.

SECTION XI

Inconsistent Provisions: In the event that any provision of this ordinance differs from any existing Town ordinance or regulation, the provision which imposes the greater restriction or higher standards shall be controlling.

SECTION XII

Severability: If any section, subsection, sentence, clause, phrase or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and. to this end, the provisions of this ordinance are severable.

SECTION XIII

Effective Date: This ordinance shall become effective upon passage by the Selectmen, after a Public Hearing.

Hearing Date: April 23, 2007
Effective: 4/23/07

Town of Farmington, Board of Selectmen

Paula Proulx

Gerry McCarthy

Martin Gilman

Joan A. Funk

Joel Chagnon

Received & recorded this 1st day of May 2007 Kathy L Leaver, Town Cle