



TOWN OF WASHINGTON
7 HALF MOON POND ROAD
WASHINGTON, NH 03280

Ordinance #2015001
Operation of Off Highway Utility Vehicles

Section I: Purpose

The Town of Washington, NH is a community that supports and welcomes four season outdoor recreation. The community recognizes that there are wheeled off highway utility vehicles, herein after called UTV's, that were purchased for several years and legally allowed by state Law to operate on all Class V and VI public highways if properly registered. The Town also recognizes that due to a law change at the state level, those privileges were taken away effective July28, 2014. This ordinance is intended to resume the legal use of UTV's on Class V and VI town roads as outlined below.

Section II: Authority

NH RSA 41:11, Regulation and use of highways
NH RSA 215-A: 15 Regulation of UTV'S By Political Subdivisions

Section III: Definitions

- A. "Off Highway Utility Vehicle or UTV", for the purpose of this ordinance, UTV means any mechanically propelled vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires or tracks equipped with a rollover protection system and/or safety belts, having capacity for passengers or other payloads, not in excess of 1,700 pounds net vehicle weight, and not to exceed 62 inches in overall width, excluding side mirrors. For purposes of this chapter, "utility terrain vehicle" shall include but not be limited to side-by-side, ROV, gator, buggy, and OHV and abbreviated as UTV, and all vehicles within this definition shall be classified as off highway recreational vehicles. Utility vehicles shall be equipped with headlamps, stop lamps, turn signals lamps, tail lamps, reflex reflectors, a parking brake, a rear view mirror, a windshield with wiper, brakes, seatbelts, a vehicle identification number and such other equipment as is required by federal regulations
- B. "Town Road" means the entire width between boundary lines of every way or place of whatever nature, used by the members of the public for the operation of vehicular traffic.

Section IV: Permitted Travel Routes

A. UTV's are permitted to operate on all municipal class V and Class VI public highways with a posted speed limit of 35 miles per hour or less. The operation of UTV's on State highways may be permitted providing proper registration per RSA 261:41-a.

B. UTV's shall operate on the traveled portion of a town roadway, in single file, and follow normal traffic patterns.

C. Any UTV shall be exempt from inspection under NH RSA 266:1, but shall be subject to inspection by any law enforcement officer at any time when being operated on a way.

Section V: Prohibitions

A. No person shall operate a UTV on any town road unless that vehicle has been legally registered under RSA 261:41-a (Agricultural/Industrial Utility Vehicle) or is legally registered as an OHRV under the provisions of RSA 215-A:21.

B. No person shall operate a UTV upon any town road unless properly licensed in accordance with NH RSA 263:1. No person who is learning to drive in accordance with RSA 263:25 Exception for Persons Learning to Drive shall be allowed to operate a UTV on a town road.

C. No person shall operate a UTV upon any town road without displaying a valid NH OHRV registration decal in accordance with NH RSA 215-A: 21 or a special commercial plate in accordance with NH RSA 261:41-a.

D. No person shall operate a UTV on a town road at a speed greater than is reasonable and prudent under existing conditions and without regard for actual and potential hazards. In all cases speed shall be controlled so that the operator will be able to avoid colliding with any person, vehicle, or object.

E. The driver of every UTV shall, consistent with the requirements of paragraph D., drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding trail/street, and when a special hazard exists with respect to pedestrians or other traffic by reason of weather or trail street conditions.

F. No person shall operate any UTV on public ways as to endanger any person or damage any property.

G. No person shall operate a UTV on town roads unless it is equipped with a muffler and an exhaust system which comply with the requirements of NH RSA 215-A: 12.

H. No person shall operate any UTV on private property within the Town of Washington without written landowner permission.

I. UTV operators and passengers under 18 years of age shall be properly restrained by the appropriate passenger safety restraint system as required by RSA 265:107-a. Violation of this section shall subject the UTV Operator to be a summoned under Title XXI of the NH Motor Vehicle and a fine as set by the Uniform Fine Schedule.

J. No person less than 18 years of age may drive or ride upon a UTV unless s/he wears protective headgear of a type approved by the NH Director of Motor Vehicles. Such headgear shall be equipped with either a neck or chin strap.

K. Operators possessing a Probationary and Youth Operators License shall be subject to the same restrictions set in RSA 263: 14. Violation of this section shall subject the UTV Operator to be a summoned under Title XXI of the NH Motor Vehicle and a fine as set by the Uniform Fine Schedule.

Section VI: Exceptions

A. This ordinance does not apply to any town owned UTV vehicle.

B. Privately owned UTV's engaged in Municipal operations such as parades, fire protection or other emergency uses shall be exempt from the provisions of this ordinance.


Section VII: Penalties/ Enforcement

A. Unless listed otherwise in Section V above, any UTV Operator who violates the provisions of this ordinance shall be guilty of a violation and shall be fined:

First Offense	\$125 Fine
Second Offense within a calendar year of first conviction	\$250 Fine
Third Offense within a calendar year of first conviction	\$500 Fine and 6 month revocation of public way access

B. Enforcement of this Ordinance shall be in accordance with NH RSA 31:39-c. Any NH Law enforcement agency having jurisdiction in the Town of Washington shall have the ability to enforcement this ordinance.

Board of Selectmen

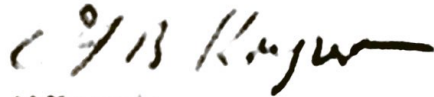


Thomas Marshall

8/27/15



Robert William



Al Krygeris