



# Town of Troy

16 Central Square - PO Box 249 - Troy, New Hampshire 03465

## **TOWN ROADS' WEIGHT LIMIT ORDINANCE**

Authority – **Pursuant to NH RSA 231:190**

*Statement of Purpose.* – The general court finds that important sectors of commerce of this state depend, in part, on the efficient vehicle transport of unprocessed natural resources, manufactured goods and other commercial products across class IV, V, and VI municipal roads. The condition of such roads may at times necessitate that certain limits, seasonal or otherwise, as authorized in RSA 41:11, be placed upon the weight of vehicles that can safely pass across such roads, so as to avoid causing damage which may result in hazards to public safety or excessive municipal expense. The general court urges municipalities to exercise this authority in ways that do not unreasonably infringe on the efficient movement of unprocessed natural resources, manufactured goods and other commercial products essential to a healthy state economy.

*Source.* 1995, 104:1, eff. July 15, 1995.

### **and 231:191**

*Maximum Weight Limits.* – I. The governing body of a municipality 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.

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 highway or portion of such highway from other public 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 the selectmen or highway agent in a town, or the mayor and aldermen or street commissioner of a city. The names of the officials authorized to grant written permission shall be posted prominently in the town office or city hall. 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 a violation if a natural person, or guilty of a misdemeanor if any other person; 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. The governing body of a municipality which establishes 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 that municipality, shall hold a hearing if requested by the impacted business. The hearing shall be 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.

*Source.* 1995, 104:1. 2000, 110:1, 2, eff. July 7, 2000.

**And any other applicable statute under New Hampshire law**, we the Board of Selectmen of the Town of Troy, NH enact the following regulation.

1. **Purpose:** To prevent unreasonable damage and extraordinary maintenance expense on municipal Class IV, V, and VI highways; and to avoid damage which may create hazards to public safety.
2. **Authority:** The Town Road Agent is authorized to establish weight limits on any Class IV, V, or VI town roads, as needed to prevent unreasonable damage and extraordinary maintenance expense.
  - A. Weight limits shall be no less than 26,001 pounds, GVW.
  - B. Limits may be placed between February 1 and May 31.
  - C. Signs shall be erected, as required by the State of NH.
3. **Penalty:** Any person who violates any provision of this section or the rules or regulations made under authority in this section shall be:
  - A. Guilty of a violation.
  - B. Subject to the following fines:
    1. First offense \$ 250.00
    2. Second offense \$ 500.00
    3. Third offense \$1,000.00
  - C. Shall be liable for the cost of restoration of the highway to a condition satisfactory to the Town Road Agent.
4. **Exemptions:** The following are exempt from the weight limitation:
  - A. Municipal vehicles or contractors working for same.
  - B. Emergency vehicles.
  - C. School and public transportation vehicles.
  - D. Public utility vehicles in performance of official duties, to include:
    1. Electricity, Water, Sewer, Telephone, Cable
    2. Heating products (heating fuel, propane, wood)
    3. Waste removal vehicles (trash, septic)
    4. Food delivery
  - E. Vehicles owned and operated by a business, permitted within the Town of Troy at the time of adoption of this ordinance, operating directly between the place of business and NH Route 12.
  - F. Any other vehicle for which the Road Agent has issued a waiver or special permit in accordance with 5 below.
5. **Waivers:** The Road Agent may grant waivers to posted weight limit upon presentation of satisfactory evidence that the weight limit established by this ordinance would entail practical difficulty or unnecessary hardship, and such an exception would not result in undue damage to town roadways.

The granting of an exemption may be subject to such conditions as deemed necessary to prevent unreasonable damage or extraordinary municipal expense including restrictions


on the day or time of day to which the exemption applies, restoration bonding or restoration of the highway.

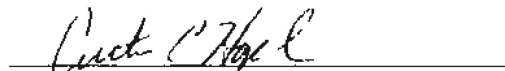
6. **Appeal:** Any person aggrieved by the Road Agent's issuance or refusal to issue a waiver may, within 10 days of the decision of the Road Agent, appeal that decision to the Board of Selectmen. Upon receipt of such appeal, the Board of Selectmen shall schedule a public meeting within 15 days to hear the appeal. Following that meeting, the Select Board may affirm, modify, or set aside the decision of the Road Agent.

This ordinance shall become effective upon the date of passage and first publication.

This ordinance passed and adopted this 21st day of April 2022.

Town of Troy  
Board of Selectmen,

  
Richard H. Thackston, III, Chairman

  
Curtis Hopkins, Selectman

\_\_\_\_\_  
TJ Chasse, Selectman