

REGULATING HEAVY HAULING OVER TOWN HIGHWAYS

Pursuant to the authority conferred by New Hampshire Revised Statutes Annotated, Chapter 41, Section 11 and Chapter 47, Section 17, in order to promote the public health and safety and provide for the general welfare of the citizens of the Town of Kensington, the following Ordinance is hereby enacted:

SECTION I: PERFORMANCE BOND REQUIRED

From and after the effective date of this Ordinance, it shall be unlawful for any person, partnership or corporation to haul, transport or cause to be transported by vehicle with gross weight over the limits set forth in Table One, and material over Class Five (V) roads, and where they intersect with other highways without securing prior written permission to do so from the Board of Selectmen. Such permission may be conditioned upon the filing with the Board of Selectmen a Performance Bond to secure the repair of said roads damaged as a result of such hauling and transportation operations in any amount and surety sufficient to cover the estimated costs of repair as determined by the Selectmen and the Road Agent. Such bond shall be approved by the Town and conditioned upon the completion and guarantee of said repairs within a period specified by the Board of Selectmen.

TABLE ONE

<u>TYPE OF VEHICLE</u>	<u>WEIGHT LIMIT (Tons)</u>
2 axles	17
3 axles	30
4 axles	34
5+axles	40

The above weight limits may be temporarily lowered to a level not below six (6) tons gross weight if the Board of Selectmen determine that seasonal conditions mandate such an action.

SECTION II: EXCEPTION

There shall be excepted from the load limits above prescribed, vehicles relating to agricultural uses and vehicles providing necessary periodic services and products to those persons who reside on the road, street or highway involved, but none of the above shall extend to permit through traffic by said vehicles; provided, however, that the Board of Selectmen may issue a Special Limited Permit upon prior written application for proposed use in excess of said load limit where the applicant can demonstrate a legitimate

purpose, said Special Limited Permit to be on such terms and conditions as the Board deems necessary.

SECTION III: BOND FORM

The performance Bond shall be in such form and upon such conditions and terms as shall be determined by the Board of Selectmen.

SECTION IV: PENALTY

Whoever shall fail to comply with the conditions of this Ordinance shall be guilty of a violation and subject to fine of Five Hundred Dollars (\$500.00) plus restitution of costs for each such occurrence. For the purposes of this Ordinance, each load hauled, transported or caused to be transported over said Town roads shall be deemed a separate occurrence.

SECTION V: VALIDATION

If any portion or section of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other provision hereof.

SECTION VI: EFFECTIVE DATE

This ordinance shall be effective upon its being adopted by the Board of Selectmen. **Adopted December 1984**