

TOWN OF RUMNEY CLASS VI HIGHWAY ORDINANCE

The Town of Rumney Board of Selectmen hereby adopts the following ordinance and policy under the authority of RSA 674:41, I(c), RSA 41:11, RSA 231:191 and RSA 236:10.

- A. Statement of Purpose.** The purposes of this ordinance and policy are: (1) To protect the Town's Class VI highways from damage or use which would adversely affect the road for other users; (2) To assure that landowners whose property has access via a Class VI highway are put on notice of the Town's lack of legal responsibility for such highway; (3) To recognize that despite such lack of legal responsibility, it is in the public interest that buildings located on such highways, especially full-time dwellings, should be accessible by emergency services, and that persons using such highways, including those who may be responding to emergencies, should not be subjected to avoidable road hazards.
- B. Buildings on Properties With Frontage On A Class VI Highway.** The following policies and requirements shall apply to all new buildings, or expansions or changes of use of existing buildings, whose driveway access is or will be located on a Class VI highway, or which are or will be located on parcels of land whose sole highway frontage is a Class VI highway:
1. No construction or site work shall begin on any such building unless the owner has produced proof that a notice as set forth in RSA 674:41, I(c) has been recorded in the Registry of Deeds, executed by current owner(s) of the property, stating that the municipality assumes neither any responsibility for maintenance of the Class VI highway or portion thereof, nor any liability for any injury or damage resulting from the use of the highway.
 2. No construction or site work shall begin on such a building until the owner or owner's agent shall have obtained permission of the Board of Selectmen as evidenced by a building permit, nor until the Selectmen shall have specified what work, if any, shall be required to be performed on the Class VI highway to assure adequate ingress and egress for the type of building or use proposed, nor until the owner or owner's agent shall have either completed such work to the satisfaction of the Selectmen or their agent, or shall have posted a bond or other security in a form and amount which the Selectmen deem adequate to secure the performance of such work prior to any occupancy of the building. The Selectmen may consider all relevant factors including but not limited to the location of the proposed building, its proposed use, the existing condition of the highway, inspections and recommendations of the Town's Highway Agent, and relevant provisions of the Town's Master Plan.
 3. No such building shall be built as, used as, or converted to, a full-time residence unless the portion of the Class VI highway between the driveway access for the building and the Class V town highway, is fully constructed to meet the standards for new streets, as set forth in the Rumney Subdivision Regulations, by the landowner or


his or her agents. For purposes of this paragraph "full-time residence" means a residence which is used as the legal address or domicile of any person, or which is occupied more than 100 days in any calendar year.

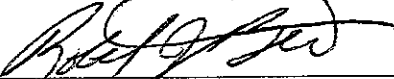
- C. Use of Heavy Vehicles On Class VI Highways; Performance of Repair or Maintenance Work.** No vehicle which is engaged in the commercial hauling of timber or earth products, or which otherwise exceeds a gross vehicle weight of 6 tons, shall travel on any Class VI highway, nor shall any repair or maintenance work be performed on any Class VI highway, without permission of the Selectmen. The Selectmen and Highway Agent shall be informed of the purpose of the proposed vehicle use or highway work, and the estimated length of time it will continue. As a condition of permission, the Selectmen may impose conditions to ensure that no safety hazard is created for other users of the highways, and that the highway is left in as good or better condition than prior to the use or work being permitted. Such conditions may include specifications for work to be performed on the highway, and may include the requirement of a bond or other security to secure the restoration of the highway.
- D. Gates and Bars** – No gates and bars will be permitted on Class VI roads without prior approval of the Board of Selectmen. The Selectmen shall review for compliance with RSA 231:21-a, I.
- E. Enforcement.** Any person violating any provision of Section B above shall be subject to the penalties and remedies set forth in RSA 676:15, 676:17, 676:17-a and 676:17-b. Any person violating Section C above shall, in accord with RSA 231:191, VI and RSA 236:14, be guilty of a violation if a natural person, or of a misdemeanor if any other person, and in addition shall be liable for the cost of restoration of the highway to the satisfaction of the Selectmen.

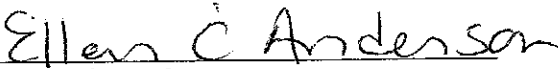
Review and comments concerning the construction of buildings on Class VI highways was provided to the Selectmen by the Rumney Planning Board on _____ (date).


Chair, Rumney Planning Board

Adopted this 13th day of January, 2003 by the Town of Rumney Board of Selectmen.


Arthur A. Morrill, Chairman


Robert J. Berti


Ellen C. Anderson