

# Town of Effingham

68 School Street

Effingham, New Hampshire 03882

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## NO THROUGH TRUCKING ORDINANCE

# Town of Effingham

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Approved by the Effingham Board of Selectmen

Pursuant to the authority conferred by New Hampshire Revised Statute Annotated, Chapter 31, Section 31:39 powers to make bylaws, in order to promote the general welfare of the citizens of the Town of Effingham, the following Ordinance is enacted:

### **Section 1 – Authority to Regulate:**

The Effingham Board of Selectmen's authority to adopt regulations is set forth in RSA 41:11 relating to regulation of the use of town roads and RSA 47:17-VII and VIII which specifically authorizes the Selectmen to make regulations as to the use of vehicles upon particular highways and to exclude such vehicles altogether from certain highways.

### **Section 2 – Definitions:**

Motor Truck as defined in RSA 259:59 shall mean any truck greater than 26,000 pounds listed by the manufacturer's gross vehicle weight rating or any motor vehicles equipped with other than pneumatic tires. The Commissioner of Safety may adopt rules under RSA 541-a to alter this weight limit to conform to Federal Statutes or regulations, provided that the limit does not exceed 26,000 pounds.

Gross Vehicle Weight Rating or GVWR as defined in RSA 259:38-b shall mean the value specified by the manufacturer as the vehicle or registered or gross weight rating, whichever is greater.

Emergency Vehicles as defined in RSA 259:28 shall mean all vehicles of Fire Departments and Police Department and such ambulances and emergency vehicles of municipal departments or public service corporations as authorized by the Director of the Division of Motor Vehicles or by the Board of Selectmen of the of Effingham, New Hampshire.

School Bus as defined in RSA 259:96.

Light Truck as defined in RSA 259:50 shall mean any motor truck having no more than two axles.

**Section 3 – Conformity with Signs:**

No person shall operate a vehicle in the Town of Effingham except in conformity with the requirements or directives of traffic signals, signs and devices and in the manner specified in RSA Chapter 265.

**Section 4 – Vehicular Traffic Restrictions (No Through Traffic):**

No person, firm or corporation shall operate a “motor truck” as defined in RSA 259:59 on a street posted “No Through Trucking” within the Town of Effingham, without a waiver issued by the Board of Selectmen or their agent. No person shall operate a truck as defined in RSA 259:115-b, except as “light truck” as defined in RSA 259:50 on the following streets in a manner that allows the operator to travel from one end of the street to the opposite end as through traffic without stopping for either business or as a resident of that street:

Champion Hill Road	School Street	Huntress Bridge Road	Bonnyman Road
Nutter Road	Clough Road	Granite Road	Huckins Pond Road
Molly Philbrick Road	Wilkinson Swamp Road		

**Section 5 – Postings:**

A sign shall be erected at each end of the excluded roadway giving notice of this ordinance.

**Section 6 – Waivers:**

The Board of Selectmen shall have the authority in extraordinary circumstances to grant written permission to an applicant who applies in writing to permit deviation from the provisions of this ordinance; sections 4, where the applicant demonstrates, at the sole and exclusive discretion of the Board of Selectmen, the circumstances are unique, the alternative route is unreasonable and the use of the restricted public highway is in the public interest. The Board shall have authority to attach such conditions to grant the waiver as deems prudent and necessary. Examples of but not limited to the following: bond requirements, time and date of travel, etc.

**Section 7 – Exemptions:**

**A.** The following motor vehicles having a gross vehicle weight rating of 26,001 pounds or more are exempt.

1. Town Vehicles in the normal performance of their duties.

2. Emergency Vehicles in the normal performance of their duties.
3. School Bus as defined in RSA 259:96, in the normal performance of their duties.
4. Public utility vehicles in the performance of their duties.
5. Vehicles of Private Contractors engaged to perform work on behalf of the Town, public utilities or owners of property abutting or otherwise having access from the excluded portion of said roadways or any other road accessible only via the excluded section.
6. Vehicles owned by a property owner performing work on their own behalf on property that abuts or otherwise is accessed from the excluded roadways.
7. Vehicles making local deliveries within the excluded portion of the roadway.
8. When a motor truck is being operated at the direction of a Police Officer or as directed by Emergency Responders in the performance of their duties.

**Section 8 – Penalties:**

Whoever violates this Ordinance shall be guilty of a violation and shall be fined not more than one thousand dollars (\$1,000.00), per violation as provided for in Chapter 31, section 31:39-III. Minimum Violation: one hundred dollars (\$100.00).

**Section 9 – Enforcement:**

All law enforcement agencies, officers and officials of said agencies of this State or any political subdivision thereof are hereby authorized, empowered and directed to enforce compliance with this Ordinance.

**Section 10 – Modification:**

The addition or deletion of any Town maintained roadway to this ordinance will only occur after a hearing and noticed as required by State statute.

**Effective Date:**

The Selectmen of Effingham New Hampshire, having held a public hearing, voted to adopt this Ordinance on July 21<sup>st</sup>, 2020 which shall be the effective date hereof.

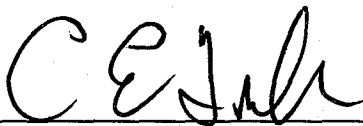
In Witness Whereof, a majority of the Board of Selectmen have hereunder set their hands.

**Town of Effingham  
Board of Selectmen**



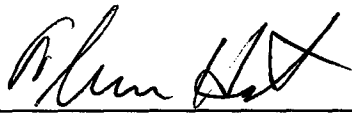
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Michael Cahalane, Chair



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Charles Fuller



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Thomas Hart

**History of Adoption/Amendments:**

This Ordinance Adopted 21st July 2020

Amended: