

Town of Marlow

Operating OHRVs on Class V Roads Regulations

Section I: Purpose

These regulations have been approved to ensure the safe and legal operation of OHRVs on Town of Marlow Class V roads. Per NH State laws (RSA 31:39, RSA 41:11, and RSA 215-A:15), all Class V town roads are regulated by the sole authority of the Board of Selectmen. The Board of Selectmen will review, in priority of importance, the following criteria before approving any Class V road for OHRV use:

1. Road safety
2. Housing density
3. Input from abutting landowners
4. Input from other town landowners

Permission granted to travel on any Class V road can be revoked by the Town of Marlow Select Board at any time and for any reason.

It is recognized that OHRV operation may be hazardous. Therefore, each person who drives or rides an OHRV accepts the dangers inherent in the sport and shall not maintain an action against an owner, occupant, or lessee of land for any injuries which result from such inherent risks, dangers, or hazards (RSA 215-A:5-c).

Section II: Definitions

ATV (All Terrain Vehicle): Any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained road which has one or more low pressure tires (less than 10 psi) designed to carry one driver and/or payload, weighing less than 1,000 lbs., and not exceeding 50 inches in width.

Off Highway Utility Vehicle (UTV): 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. Utility terrain vehicle shall include but not be limited to side-by-side, gator, and buggy. 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.

Trail Bike: Any motor-driven wheeled vehicle on which there is a saddle or seat for the operator and/or passenger designed to travel off maintained roads.

OHRV (Off-Highway Recreational Vehicle): Any mechanically propelled vehicle used off of a public way for recreational or pleasure purposes and dependent on the ground or other surface for travel. All legally registered motorized vehicles used off the highway for these purposes shall be deemed as an OHRV. ATVs, UTVs and trail bikes are considered OHRVs. Snowmobiles are not considered OHRVs.

Section III: Regulations

A. With the exception of the designated 0.9 mile portion of Class V Baine Road, ATVs and trail bikes are prohibited from travelling on all other Class V town roads.

Travel by ATVs and trail bikes on any approved Class V road is allowed with the following prohibitions

1. Signage will be posted on the Class V road designating the allowable portion for use by ATVs and trail bikes.
2. Travel must be with traffic flow and near the side of the road at all times.
3. All will yield to all motor vehicles, horses with riders, other animals, bicycles and pedestrians at all times.
4. All will travel at a speed no greater than 10 m.p.h.
5. The driver of every ATV and trail bike shall 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 portion and when a special hazard exists with respect to pedestrians, animals or other traffic by reason of weather or road conditions.
6. No person shall operate an ATV or a trail bike unless it is equipped with a muffler and an exhaust system which comply with the requirements of NH RSA 215-A: 12.
7. No person shall operate an ATV or trail bike unless properly licensed in accordance with NH RSA 215-A:29.
8. All ATVs and trail bikes must be legally registered under the provisions of RSA 215-A:21.
9. No person shall operate during the period from ½ hour after sunset to ½ hour before sunrise, except in emergency situations.
10. No person shall operate from November 4 to May 23 of every year.

11. Under the provisions of RSA 215A:13-a, no person under the age of 18 shall operate or ride upon an OHRV on town streets without protective headgear. The headgear must be equipped with a neck or chin strap.
12. All ATVs and trail bikes are allowed to cross Class V roads to access other approved trails only at designated locations.
13. Trailers transporting ATVs or trail bikes are prohibited from parking in, or on the side of, any Class V road. Trailers are allowed only in designated Marlow Family ATV Club parking areas.

B. UTV's are permitted to operate on all town class V roads with the following prohibitions:

1. 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.
2. No person shall operate a UTV upon any town road unless properly licensed in accordance with NH RSA 263:1.
3. 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.
4. No person shall operate a UTV unless it is equipped with a muffler and an exhaust system which comply with the requirements of NH RSA 215-A: 12.
5. No person shall operate a UTV on a town road at a speed no greater than the posted limit and 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.
6. The driver of every UTV shall 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.
7. Under the provisions of RSA 215A:13-a, no person under the age of 18 shall operate or ride upon an OHRV on town roads without protective headgear. The headgear must be equipped with a neck or chin strap.

8. Trailers transporting UTVs are prohibited from parking in, or on the side of, any Class V road. Trailers are allowed only in designated Marlow Family ATV Club parking areas.

Section IV: Penalties and Enforcement

1. Operator of an OHRV who violates the provisions of these regulations shall be guilty of a violation and shall be fined:

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

2. Enforcement of these regulations shall be in accordance with NH RSA 31:39-c.
Any law enforcement agency having jurisdiction in the Town of Marlow shall have the ability to enforcement this ordinance.

Section V: Exceptions

- A. These regulations do not apply to any town owned OHRV vehicle.
- B. Privately owned OHRVs engaged in town operations such as parades, fire protection or other emergency uses shall be exempt from the provisions of these regulations.

Adopted: 27 February 2017

Board of Selectmen

Robert Allen, Chair

Thomas Fushetto

Barry Corriveau

The image shows three handwritten signatures in black ink, each written over a horizontal line. The first signature is the largest and most stylized, belonging to Robert Allen. The second signature is smaller and more legible, belonging to Thomas Fushetto. The third signature is also smaller and legible, belonging to Barry Corriveau.