

Chapter 17
Regulation of Vehicles on Class VI Highways

Section 17.1

- 17.1.1** Definition – Class VI highway usage permit. For the purposes of this section, the term “Class VI highway usage permit” shall mean a permit issued by the Newport Police Department under section 17.1.6
- 17.1.2** Definition – Excessive Erosion. For the purposes of this section, the term “excessive erosion” shall mean a breaking down or wearing away of the existing road bed surface due to water, wind, or other forces for an extended period of time, and where repeated motor vehicle traffic is likely to cause further wearing away of the existing road bed. Such conditions are typically seen during the spring thaw or periods of heavy rain.
- 17.1.3** Definition – Impassible. For the purposes of this section, the term “impassible” shall mean any Class VI highway that is not regularly or easily passable by a vehicle as defined in section 17.1.4.
- 17.1.4** Definitions – Vehicle. For the purposes of this section, the term “vehicle” shall mean any motor vehicle, including but not limited to off-highway recreational vehicles (OHRVs), all-terrain vehicles (ATVs), motorcycles, cars, and trucks.
- 17.2.** Violations – failure to Obtain or produce Permit. In the event the Director of Public Works Department deems a particular Class VI highway to be impassible or susceptible to excessive erosion, it shall be unlawful and a violation of this section to operate a vehicle over a Class VI highway without a Class VI highway usage permit for that particular Class VI highway. The vehicle operator shall make the Class VI highway usage permit immediately available for inspection to any Town officer, employee, or agent requesting it.
- 17.3** Issuance of Permit. The Newport Police Department shall issue a Class VI highway usage permit only to the owner or lessee, or their agent, of a property that is accessible from a Class VI highway. The permit shall clearly identify the Class VI highway to which it applies and the location of the property to be accessed. The permit shall allow the permit holder to use the identified Class VI highway to access the identified property, and for no other use. There shall be no charge or fee for the Class VI highway usage permit.
- 17.4** Notice of Class VI Highway Closure. In the event the Director of the Public Works Department deems a particular Class VI highway to be impassible or susceptible to excessive erosion, the Director of Public Works Department or their designee shall post notice at the common entrance or transition points of the Class VI highway that the Class VI highway is closed until further notice and may be used only by the holder of a Class VI highway usage permit for that particular highway. The Director of the Public Works Department or their designee shall notify the Board of Selectmen and the Newport Police Department of any such Class VI highway closure.
- 17.5** Travel on Road Bed Only. The operator of a vehicle on a Class VI highway shall at all times operate the vehicle only on the existing road bed. It shall be unlawful and a violation of this section for a vehicle operator to depart from the existing road bed in a manner that causes or could reasonably damage or alter the land surrounding the existing road bed; for example, by operating the vehicle into ditches or muddy holes. Additionally, this section is further notice that anyone who, without authority, willfully injures any highway or bridge thereon by destroying or taking away any plank, timber, stone or other material thereof, or by digging any pit therein, may be guilty of a misdemeanor pursuant to N.H. R.S.A. 236:38. This section applies whether or not the particular Class VI highway had been deemed impassible or susceptible to excessive erosion.
- 17.6** Fines. A first violation of the provisions of this section shall be subject to a fine of \$100; a second violation within a 12-month period shall be subject to a fine of \$250; and any additional violations within a 12-month period may be subject to a fine up to \$1,000 and a mandatory court appearance. In addition, a person who violates the provisions of this section may also be held liable for damage to the highway as provided under N.H. R.S.A. 236:38 and N.H. R.S.A. 236:39.

(Adopted by the Board of Selectmen October 1, 2012)