



EMERALD LAKE VILLAGE DISTRICT RULES AND REGULATIONS GOVERNING DISTRICT ROADS

PREAMBLE AND LEGAL AUTHORITY. The following rules for the Emerald Lake Village District are adopted pursuant to the powers granted generally by RSA 52:1, I (m) and 52:3: RSA 41:11 and RSA 236:13 to regulate the use and maintenance of all roadways within the District.

SECTION 1. GENERAL STATEMENT

1.1 These regulations govern maintenance and use of roadways including easements, ingress and egress therefrom, and related measures which are within the jurisdiction of the Emerald Lake Village District, which is a residential only zoning district, for the purpose of providing safety and protection to all persons using District roadways.

1.2 The roadways, easements and related access to be regulated include approximately 14-16 miles of roadways within the boundaries of the District, which are currently denominated Class V and Class VI roads (hereinafter "District roadways"). Unless otherwise authorized and provided herein, all New Hampshire applicable laws and regulations regarding maintenance of roadways and safe operation of vehicles thereon shall apply.

1.3 The following roadways are owned and maintained by the Town of Hillsborough and although they are inside the District, were established before the District; Gould Pond Road, Bog Road, Melody Lane, Mary Rowe, Patten Hill Road. The District has no responsibility or authority to maintain or repair these roadways.

SECTION 2. USE OF DISTRICT ROADWAYS

2.1 General Use: The District roadways are for safe operation of vehicles and pedestrian passage and are not to be used for any other purpose without express written permission of the Board of Commissioners of the District. Steel tracked and chained vehicles are prohibited without express written permission of the Board of Commissioners of the District. Weight limits shall be 20 tons except when the roads are posted seasonally by the Town of Hillsborough, in which case the posted limits apply; or when the Board of Commissioners or its Road Agent posts a specific weight limit pursuant to RSA 231:191. When Town and District weight limits conflict, the most stringent limit shall apply.

2.2 Speed Controls: Pursuant to RSA 265:60, no person shall operate a vehicle on a

District roadway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Applicable conditions include the

fact that Emerald Lake Village District roads are generally unpaved and less than standard width

as improved; that the Emerald Lake Village District was developed with substandard lot sizes and has a much higher residential density than applicable generally to the Town of Hillsborough within which it is located; and that there are no sidewalks so that pedestrians regularly use the roadways for walking and running. The Board of Commissioners is authorized to use any lawful means, including speed bumps, to control and reduce danger to pedestrians and to control traffic

into the District's roads, recreational and water system facilities.

2.3: Off-Highway Recreational Vehicles: All-terrain-vehicles, including snowmobiles and dirtbikes are not allowed within District roads or right-of-way at any time. This shall not include plated utility terrain vehicles or motorbikes. OHRV used by the District or an authorized representative for the District during the course of District related activities shall be allowed.

2.4 Closure: The Board of Commissioners, its Road Agent, or Water system operator or its agents, have the ability to close a District road at anytime in the event of an Emergency or water system repair.

2.5 Access Roads: The District maintains several access right of ways that, developed and undeveloped, remain the sole property of the District. The Board of Commissioners may open or close any access road to public travel as needed and without notice. Access roads not intended for public travel shall remain gated and/or blocked with appropriate signage. The District may complete any undeveloped road or right of way at any time.

SECTION 3. MAINTENANCE OF DISTRICT ROADWAYS

3.1 Road Agent: The District shall contract with a Road Agent or make other arrangements to maintain its road system with the authority to raise funds for this purpose.

3.2 Dumping and Littering: Dumping or depositing any materials which materially change the condition or materials in a District roadway is prohibited. The District shall have the right to remove any vehicle, tree, branch, sign, post, fence, trailer, property or other materials or objects left in or on District roadways or placed there in violation of these rules. All property owners are requested to trim and maintain their property adjacent to a roadway in such a manner as to keep the roadway clear and free of overhanging growth.

3.3 Road Surface Integrity: No person shall cause damage to or alter the contour or surface of any roadway within the District, without the express written permission of the Board of Commissioners of the District, and no person shall remove, deface or alter any sign posted by

the District including street signs.

3.4 Signage: The District is authorized to post signs to regulate the safe and reasonable use of its roadways and easements in its discretion, pursuant to RSA 47:17 VIII(a).

3.5 Culverts: The Board of Commissioners or Road Agent may require a property owner to install and maintain a culvert at any time to adequately manage road and property related runoff. Property owners are responsible for the flow and maintenance of any culverts that run under a driveway or access to a property. The District shall be the owner and responsible for any culvert that is buried under/over a district road, property, or water line, regardless of its location.

3.6 Failed Culvert: Any culvert that lies within a District right-of-way and is reduced in capacity for any reason may be deemed failed by the Board of Commissioners. Upon proper and written notice, the property owner will have 30 days to fix the culvert to its original designed flow rate. If the owner does not fix the culvert after notice or if the culvert at any time causes the surface of the road to be disturbed, the District may immediately replace or repair the culvert and assert all costs to the property owner.

3.7 Damaged Culverts, Bridges, or structures: Anyone who damages or destroys a culvert, or causes it to be reduced in capacity, bridge, sign, guard rail, road surface or water flow is responsible for immediately notifying the Board of Commissioners and restoring the structure to the satisfaction of the District or the monetary value of the District restoring the structure to its original condition.

SECTION 4. PARKING & TOWING

4.1 No person may park in a manner on a roadway including roadway easements that blocks a roadway or causes it to be reduced in width, interferes with maintenance thereof including plowing, blocks signage, or impedes access to private property including District property, unless such parking is on a pre-existing physical improvement which is appurtenant to or part of a privately owned lot. No object, vehicle, or trailer may be placed within 20 feet of or within an intersection of two roads or accessways within the District at any time.

4.2: No one may place a vehicle or other object in front of or within 10-feet to either side of a District fire hydrant. Any object placed closer than or is blocking a hydrant is subject to immediate removal by the Board of Commissioners, its Road Agent, or Water system operator and/or the Hillsborough Police and/or Fire Department.

4.3 Parking: No vehicle may park on District property, right-of-way or road overnight without written permission from the Board of Commissioners of the District; and the Commissioners may also regulate parking on any District property in a manner which is safe and reasonable for public safety and lawful purposes. Written permission from the Board of Commissioners must be displayed on a vehicle authorized to park on District roads or properties overnight.

4.4 Winter Parking Restrictions: Winter parking rules shall apply from November 1 through April 15th annually, unless otherwise provided by the Board of Commissioners for good cause. During this period, there shall not be any unattended parking on district property or roadways at any time, and any unattended vehicle shall use flashers and remain only temporarily.

4.5 Towing and Removal: The District is authorized to remove any vehicle, structure, property or obstruction in the limits of the District right-of-way by providing reasonable verbal or written notice of an order to remove. An order to remove may be issued by the Board of Commissioners, its Road Agent, its Water system operator and/or the Hillsborough Police and/or Fire Department. If the owner or responsible person fails to remove the vehicle, structure, property or obstruction as directed by the order to remove, the District or its agent may remove the vehicle, property or obstruction. The owner of the vehicle or property so removed shall be responsible for the reasonable cost of removal incurred by the District and shall pay the same to the District prior to its return.

4.6 If the owner of a vehicle or other property shall fail to pay the District for the costs of removal and any related fees or fines within 30 days, the District Commissioners shall be entitled to dispose of said vehicle or property by providing 30-days written notice to the last known owner thereof. Said notice shall specify the amount owed and that failure to pay the amount or appeal the same to the District's Board of Commissioners shall result in sale of the vehicle or other property.

SECTION 5. ENFORCEMENT

5.1 Any person violating any roadway or parking regulations shall be deemed to have violated an ordinance of the Emerald Lake Village District for which a fine may be imposed pursuant to RSA 31-39-c:d or as otherwise provided by law.

5.2 Fines and penalties shall be imposed in accordance with the attached Table of Roadway Use and Parking Fines, which may be amended by the Commissioners from time to time as appropriate.

5.3 At any time a Commissioner of the District shall have the authority to remove and/or tow any vehicle or article or object obstructing any District roadway, access, or right-of-way after notice is given to the address of record and/or left on the vehicle, unless the circumstances constitute an emergency within the reasonable judgment of the Commissioner, upon which event removal or towing can occur without notice. All removed or towed vehicles or other objects which are removed may be stored within the District at the owner's expense or in a place to be determined by the Commissioners or their agent to provide reasonably safe conditions. This authority shall be in addition to any fines plus costs associated therewith to be imposed on the owner and/or operator of any such vehicle or object.

SECTION 6: DRIVEWAY PERMITS

6.1: Property Access: Pursuant to Emerald Lake District Road Regulations and NH State RSA 236:9 & 236:13, no person shall construct any access, approach, or driveway to the District Highway without a written permit from the District. Only one access, approach, or driveway may be constructed per lot.

6.2: All driveways, accesses, and approaches to the District Highway shall be subject to the continuing jurisdiction of the Board of Commissioners as provided by RSA 236:13.

6.3: All driveways, accesses, and approaches to the District Highway shall be maintained in accordance with District Driveway regulations, conditions according to the specific driveway permit, these regulations, and as provided by law.

6.4: The District may require a bond or require reasonable security as determined by the Board of Commissioners in particular cases.

6.5: The District may revoke a driveway permit of a property if the use of the driveway no longer conforms to conditions set in the permit or in conflict of zoning laws. All business/commercial and use that exceeds the septic design of a property must apply for a new permit by the Board of Commissioners within 30 days of the change of use.

6.6: Applications for driveway permits shall conform to District Driveway Rules and Regulations along with all NH State DOT standards and specifications established in DOT policy pertaining to Driveway and Access in the State Highway system, as nearly as possible, subject to RSA 236:13.

Adopted by a vote of the Emerald Lake Village District Board of Commissioners after two public hearings on November 12th, 2015

_____ 11/12/2015
Zane Merva, Chair

_____ 11/12/2015
Mark Rodier, Commissioner

_____ 11/12/2015
Wayne Held, Commissioner

**TABLE OF ROADWAY USE AND PARKING FINES
EMERALD LAKE VILLAGE DISTRICT
ROAD RULES AND REGULATIONS**

Violation	Fine and/or penalty
Unauthorized Parking on District roads, property, or parking lots.	Tow/Remove
Damage to a roadway, road surface, culvert, bridge, sign, roadway safety device or other structure.	All actual damages + \$1,000 fine
Placement of unauthorized building, sign, vehicle, structure, earth, wood, debris, or any object that impedes the District Right-Of-Way	Removal and/or towing of object
Unregistered vehicle on District Right-Of-Way	Tow/Remove
Unsafe speed and/or unsafe vehicular operation	Report activity to the Police