

Amendment to HB 591

1 Amend the bill by inserting after section 21 the following and renumbering the original section 22 to
2 read as 24:

3
4 22 Operation of All OHRVs. Amend RSA 215-A:6, IX to read as follows:

5 IX. Pursuant to RSA 215-A:15 **and RSA 215-A:15-a**, city or town councils and boards of
6 selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and
7 bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on
8 sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of
9 OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all
10 conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where
11 authorized. ~~[Following a duly noticed public hearing, except in the case of an emergency closure,~~
12 ~~such city or town authorities may change the allowable usage of a class IV, class V, or class VI~~
13 ~~highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs~~
14 ~~that no longer apply.]~~

15 23 New Section; Off Highway Recreational Vehicles; Adopting por Rescinding Regulations.
16 Amend RSA 215-A by inserting after section 15 the following new section:

17 215-A:15-a Manner of Adopting or Rescinding Ordinances. An ordinance allowing the
18 operation of OHRVs on any sidewalks or class IV, V, or VI highways or bridges shall be adopted or
19 rescinded in the manner provided in this section.

20 I. The governing body may, in its discretion, consider an ordinance authorizing the use of
21 OHRVs on its own initiative or upon written request from one or more persons.

22 II. If the governing body chooses to consider such an ordinance, it shall hold a public
23 hearing, notice of which shall be sent by verified mail, as defined in RSA 451-C:1, VII, at least 30
24 days before the hearing to every abutter of any sidewalk and any class IV, V, or VI highway or
25 bridge affected by the proposed ordinance. Public notice shall also be published in a newspaper of
26 general circulation in the area at least 30 days before the hearing. For purposes of this paragraph,
27 "abutter" means any person whose property adjoins the public way under consideration. In the case
28 of an abutting property under a manufactured housing park form of ownership as defined in RSA
29 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who
30 own manufactured housing which adjoins the public way under consideration.

31 III. If consideration of the ordinance was requested by anyone other than the governing
32 body, all costs of notice shall be paid in advance by the person making the request. Failure to pay

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1 the costs shall result in termination of the governing body's consideration of the request.

2 IV. After the public hearing, the governing body shall vote to approve or reject the
3 ordinance. A vote to reject the ordinance shall constitute a final determination.

4 V. In a city, or in a town with a town council, a vote of the council to approve an ordinance
5 shall be the final determination. In a town without a town council, the governing body's vote to
6 approve an ordinance shall constitute a recommendation to the legislative body, and the proposed
7 ordinance shall be placed on the warrant for the next annual town meeting or a special town
8 meeting called under RSA 39:1 or RSA 39:3.

9 VI. When a proposed ordinance to allow the use of OHRVs is submitted to a vote at a town
10 meeting under paragraph V, a 2/3 vote of the legislative body present and voting shall be required
11 to approve the ordinance if there has been a protest against the ordinance signed by the owners of
12 20 percent of the area within 100 feet immediately adjacent to the public way affected by the
13 ordinance or signed by 20 percent of the owners of land within 100 feet immediately adjacent to the
14 public way affected by the ordinance. For any protest petition to be considered:

15 (a) The owners signing the petition shall identify themselves on the petition by name
16 and address, and by address of the property involved, or by lot and map number, or by whatever
17 other means is used within the town to identify the land in question, so that the selectmen may
18 identify the owners as interested and affected parties; and

19 (b) The signed protest petition shall be submitted to the selectmen at least 7 days before
20 the town meeting. A notice of receipt of the protest petition shall be posted at the location of the
21 meeting, and the moderator shall announce at the opening of the meeting that a protest petition has
22 been received. In the absence of a properly submitted protest petition, a simple majority of those
23 present and voting shall be required to approve the ordinance.

24 VII. Subject to paragraph VIII, any proposal to rescind an ordinance allowing the operation
25 of OHRVs on public ways, or to amend such an ordinance to limit the authority previously granted,
26 shall follow the same procedure as a proposal to adopt such an ordinance, except that:

27 (a) In addition to the notice required under paragraph II, notice of the public hearing
28 shall also sent by verified mail, as defined in RSA 451-C:1, VII, to the chief of the bureau of trails,
29 who shall notify any OHRV club that he or she believes may have an interest in the matter.

30 (b) A vote by the governing body to rescind the ordinance, or to amend the ordinance to
31 limit the authority previously granted, shall constitute a final determination. If the governing body
32 does not vote to rescind or amend the ordinance, the question may be, but is not required to be,
33 submitted to the legislative body for consideration at the next annual town meeting or a special
34 town meeting as provided in paragraph V. A vote by the town meeting to rescind or amend the
35 ordinance shall be the final determination. Paragraph VI shall not apply when a question is
36 submitted to the town meeting under this subparagraph.

37 VIII. The question of rescinding an ordinance allowing the operation of OHRVs may also be

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- 1 placed on the warrant for an annual or special town meeting, either by the governing body or by
- 2 petition under RSA 39:3, without following the process in this section for hearing and determination
- 3 by the governing body.

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AMENDED ANALYSIS

This bill amends the laws governing operation, registration, and required equipment for an OHRV or a snowmobile. The bill also amends the procedure for a city or town to adopt or rescind ordinances regulating OHRV use on certain public ways.

This bill is a request of the fish and game department.