

CHAPTER 5 HIGHWAY USE REGULATIONS

501 Snow Removal

No person, firm or corporation engaged in the operation of snow plowing, blowing or removing shall allow, or cause any accumulations of snow to obstruct or impair any town-maintained street, roadway, sidewalk, parking lot or right-of-way, unless such operations are approved by the Director of the Exeter Public Works Department.

501.1 Fire Hydrants

No person, firm or corporation shall place any object, item or material, or allow or cause any object, item or material to be placed upon any town-maintained street, roadway, right-of-way, sidewalk or parking lot, so as to obstruct vehicle or pedestrian traffic. Such objects shall include, but not be limited to, snow ice, dirt, gravel, sand, signs or other obstructions.

502 Highway and Sidewalk Obstruction

No person, firm or corporation shall place any object, item or material, or allow or cause any object, item or material to be placed, upon any town-maintained street, roadway, right-of-way, sidewalk or parking lot, so as to obstruct vehicle or pedestrian traffic. Such objects shall include, but not be limited to, snow, ice, dirt, gravel, sand, signs or other obstructions.

502.1 Damage to Surface

No person, firm or corporation shall place any object, item or materials, or allow or cause any object, item or material to be placed upon any town-maintained street, roadway, right-of-way, sidewalk or parking lot so as to damage the surface thereof.

502.2a Signs and Displays

502.2a(1) Sandwich board or A-frame signs are allowed only along the Waterfront Commercial zone and along the following downtown streets: Water Street between Great Bridge and Main Street, Center Street, and Front Street from Spring Street to Water Street. Only one sandwich board sign per business establishment shall be permitted. All sandwich board signs shall be removed at the end of the business day for the respective business.

502.2a(2) Dimensions and placement

To encourage signs that are of a quality design, and are appropriate in size and materials, sandwich board signs shall meet the following criteria:

(A) A sandwich board sign shall have dimensions no greater than 42 inches in height, 24 inches in width, and shall extend into the right-of-way or sidewalk no more than 24 inches.

(B) No balloons, flags, illumination or other decorations may be placed upon a sandwich board sign.

(C) Sandwich board signs may not be permitted on sidewalks where the width of the sidewalk will be significantly diminished by placement of the sign.

(D) Business establishments requesting a permit for a sandwich board sign shall demonstrate that the business has premises and general liability insurance in the amount of \$300,000/\$1 million, which contains coverage for said business' use and activity upon the right-of-way or sidewalk, and shall cause the Town of Exeter to be named as an additional insured under the policy.

502.2a(3) Permit Required

Any person, firm or corporation seeking to place a sandwich board sign in or on a public right-of-way or sidewalk under 502.2a shall apply to the Town's Building Inspector for a permit for such sign. Such application shall specify the proposed location of the sign and the design and materials of the sign along with a dimensioned drawing of the proposed sign. Any modifications to the sign after approval by the Building Inspector must be re-submitted for approval. If approved, the applicant will be issued a Town sandwich board sign sticker to be placed prominently on the outside surface of the sign.

502.2a(4) Any person, firm or corporation seeking to place a merchandise display in or on a public right-of-way or sidewalk shall apply to the Town's Building Inspector for a permit for such display. Such display shall also be limited to 24 inches in width and shall extend into the right-of-way or sidewalk no more than 24 inches.

(A) Any person, firm or corporation seeking the use of the sidewalk for an infrequent sidewalk sale shall petition the Board of Selectman, in a regular session, for permission to do so.

502.2b Directional Signs ("Blue Signs")

Any person, firm or corporation seeking the installation of a directional sign, also known as a "Blue Sign," to a place or establishment shall petition the Board of Selectman, in a regular session, for permission. Permission will only be considered for purposes of directing the public to a place or establishment that is not on a primary Town road. The petition shall clearly state the need of the posting places affected, the duration of the posting and pay the cost of the sign(s), which will be installed by the Department of Public Works after approval by the Board.

502.2c Political Campaign Signs

Political campaign signs are allowed pursuant to RSA 664:17.

502.2d Banners, Flags and Balloons

Flags, balloons or banner-type signs extending above or across the town's sidewalks are allowed provided that the lowest portion of any such object shall be no less than 7 feet above a sidewalk, and in no event shall such object extend over any town-maintained street, roadway or parking lot so as to obstruct vehicle or pedestrian traffic or the view of the street, roadway or parking lot. Any person, firm or corporation seeking the installation of a special event banner extending across the town's roadways or rights-of-way shall petition the Board of Selectman, in a regular session, for permission.

502.2e Right-of-Way and Sidewalk Maintenance

All obstructions must be removed from town rights-of-way and sidewalks for winter maintenance during inclement weather. This includes sandwich board signs, planters, merchandise, tables, etc. In addition, all awnings must be retracted during inclement winter weather to allow safe passage for the maintenance vehicles and equipment.

502.2f Removal

Signs, flags or banners found in violation of this section shall be subject to removal at any time by the Department of Works, the Code Enforcement Officer or the Police Department. Such signs, flags or banners will be removed to the Department of Public Works and stored for one week so that the owner may retrieve the item. Items not retrieved after one week will be recycled or disposed of.

502.2g Town signs and poles

No one shall affix any sign, flag or other material to a Town of Exeter street sign, traffic sign or other town-owned structure located on town property or in the public right-of-way.

502.3 Waiver and Appeal

Any person, firm or corporation seeking an exemption from this section shall petition the Board of Selectman, in a regular session, for a waiver. The petition shall clearly state the need of the posting places affected, and the duration of the posting. Any person, firm or corporation having been denied a permit under 502.2a may appeal that denial to the Board of Selectmen in a regular session. The written appeal petition shall clearly state the reasons why the denial should be reversed and the permit should be granted.

South curb line from Portsmouth Avenue to Hampton Road.

503 Weight Limits

No person, firm or corporation shall operate any vehicle on or over any bridge or elevated road-way in the Town of Exeter when such vehicle weighs more than the weight limits posted by the Director of the Exeter Public Works Department or the Commissioner of the NH Department of Public Works and Highways.

503.1 Prohibition of Through Trucks on Public Ways

No person, firm or corporation shall operate a truck with an empty weight in excess of 8 tons on any public street or highway except under one of the following conditions:

503.1.1 Vehicle being operated point to point in Exeter for the purpose of local deliveries:

503.1.2 Vehicle is being operated to a designated point in Exeter to make a delivery.

503.1.3 Vehicle is being operated from a permanent base of operation in Exeter to the designated truck route;

503.1.4 Vehicle being operated on the following named streets or highways:

Epping Road

Main Street

Pickpocket Road

Pine Road

Route 108

Route 111 from Kingston town line to Water St/Bandstand, so-called
Water Street from Spring Street to the Bandstand, so-called.

503.2 Exemptions

Restrictions described in this section shall not apply to emergency vehicles, Town highway, building and maintenance vehicles, or school buses in the normal process of their duties.

504 Excavation of Town Streets, Rights-of-Way

No person, firm or corporation shall excavate, construct, alter or conduct any operations that alter or damage any town-owned or maintained streets, roadways, sidewalks, parking lots or rights-of-way without a valid permit issued by the Public Works Department.

Contractors excavating in town streets and/or rights-of-way must maintain minimum insurance and surety coverage as follows:

1. Liability Coverage: General liability \$500,000 combined Single Limit Comprehensive Form; Broad Form Property Damage; Independent contractor's Insurance, product/completed operations insurance. (If work involves the following, appropriate coverage is necessary: explosion, collapse, underground).
2. Vehicle Insurance: \$500,000 Combined Single Limit, Comprehensive Form, Owner, Hired/Non-owned.
3. Worker Compensation: Statutory limits, Employer liability \$100,000.

4. Letter of Credit: Each excavation permit and excavation shall be warranted by a "Letter of Credit" in a format designated by Selectmen's policy 89-06. Said letter of credit shall be in the minimum amount of \$500 per excavation (for 100 sq. ft) plus an additional \$500.00 per each 100 sq. ft. thereafter. Letter of Credit will be for a minimum of a two year period.
- 504.1 Regulations Governing Methods
The Public Works Department shall develop strict rules on the methods of protection of utilities and roadways affected and rules concerning backfill, base preparation and final pavement replacement for any excavation.
 - 504.2 Restrictions
No permit shall be issued between November 15 and March 15 annually unless authorized by the Board of Selectmen. No permit shall be issued between March 16 and April 1 annually unless specially approved by the Highway Superintendent. Emergency repairs of existing utilities will be exempt from this Section.
 - 504.3 Fees Required
A minimum fee of fifty (\$50.00) dollars will be required for every excavation permit issued. Excavations in excess of one hundred (100) square feet shall require an additional fee of two (\$2.00) dollars per square yard for each additional square yard.
 - 504.4 New Streets or Connecting Streets & Driveways
No person, firm or corporation shall excavate and/or build a new driveway or street access across or on a Town street or right-of-way without obtaining a valid driveway permit from the Public Works Department prior to construction. Specifications for construction of permitted acts under this Section shall be those outlined in 504.1 above.
- 505 Covered Load
 - 505.1 No vehicle shall be driven or moved on any way unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a way in cleaning or maintaining such a way.
 - 505.2 No person shall drive, on any way, any open vehicle loaded with earth, sand, asphalt, stone, gravel, debris, trash, rubbish or other particulate substance unless said load is covered and secured so as to prevent the escape of any substance from said load onto the way.
 - 505.3 The provisions of Section 505.1 and 505.2 shall not apply to a local farmer transporting his own farm products or materials incidental to his farming

operations, provided that such farmer shall not thereby be relieved of his duty to exercise reasonable care in carrying on such operations.

505.4 The provisions of Section 505.2 shall not apply to the operation of municipal maintenance equipment.

506 Loading and Unloading Trucks

Purpose: The declared intent and purpose of this section is to regulate the hours that trucks may load or unload to insure the safe passage of emergency vehicles through the congested areas of the Town during peak traffic hours.

506.1 No tractor-trailer combinations or any truck with a box body or platform over 16 feet long shall park, load or unload on Mondays through Thursdays or on Saturdays, between the hours of 11:00 AM and 2:00 PM, and 4:00PM and 6:00PM, or on Fridays between the hours of 11:00AM and 2:00PM, and 4:00PM and 9:00PM upon the following streets within the Town of Exeter:

Lincoln Street
Water Street

These prohibitions shall not apply to the 2 loading zones on Water St. referenced in subsection 101.2.

506.2 No tractor-trailer combination or any truck with a box body or platform over 16 feet long shall park, load or unload on Mondays through Thursdays, or Saturdays between the hours of 11:00AM and 2:00PM, and 4:00PM to 6:00PM, or on Fridays between the hours of 11:00AM and 2:00PM, and 4:00PM and 9:00PM upon Chestnut Street, unless such vehicle is parked parallel with the curb or loading platform, and provides clear passage of vehicles on the traveled portion of the said street.

506.3 The ordinance shall not apply to trucks being used upon said streets for emergency purposes or while engaged on highway maintenance or repairs.

506.6 Trucks delivering perishable goods are exempt from the foregoing provisions of this ordinance until the hour of 12 noon each day.

507 Loud, Unusual or Unnecessary Noise

The purpose and intent of this section is to prohibit any vehicle on any way in the Town of Exeter from making loud, unusual or other unnecessary noise.

507.1 The words "loud, unusual or other unnecessary noises" shall include any noise occasioned by any one or more of the following actions by the operator of any vehicle.

a. Misuse of power exceeding tire-traction limits in acceleration, sometimes

known as "laying down rubber" or "peeling down rubber".

- b. Misuse of braking power exceeding tire-traction limits in deceleration where there is no emergency.
- c. Rapid acceleration by means of quick up shifting of transmission.
- d. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or an automatic transmission.
- e. Racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selection whether the vehicle is either in motion or standing still.
- f. The blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still.

508 Traffic Flow in Construction Areas

The purpose and intent of this section is to ensure that safe and constant flow of traffic is maintained in and around construction areas on public ways in the Town of Exeter.

- 508.1 No person, business or corporation shall place equipment, vehicles, work materials or personnel in such a way as to interrupt the safe and continuous flow of vehicular and pedestrian traffic along a public way within Exeter without taking specific safety precautions.
- 508.2 Definition
For purposes of this ordinance, "Construction" will be defined as activity on or about a public way that involves laying or relaying of sewers, electrical, telephone, gas lines, water or any type of communications equipment, cable TV or any other type of underground utilities or the installation of above-ground utilities; and construction, reconstruction, excavation, paving or other work requiring cutting into the pavement, or street paving.
- 508.3 Responsibility of the Primary Contractor:
The primary contractor is responsible for the conduct of work performed upon the site and will be required to establish safe travel lanes and flow of traffic for any of the following conditions:
 - a. Construction, re-construction, excavation, paving or any other type of work on existing streets, or the construction of new streets.
 - b. When the street traffic is primarily controlled by a traffic control signal which will become ineffective in the proper control of traffic due to the existence of construction activity.

- c. When any such activity significantly affects the flow of traffic.

508.4 Methods of Compliance:

To ensure normal and ordinary flow of traffic, the primary contractor shall:

- a. Place traffic cones, flares, barricades or similar devices that clearly mark travel lanes and hazards within the travel portion of the road in compliance with NH DOT standards: and/or,
- b. Place properly trained "Flagmen", wearing safety vests, at such locations that are clearly visible from all approaches of the construction site and using such hand signals and/or signage to safely control and direct the flow of traffic; and/or,
- c. Employ uniformed officers carrying out the same duties as a Flagman particularly in high vehicle congestion areas, major intersections, or areas where traffic signs/signals are overridden.

508.5 After Hours Construction Sites:

No incomplete construction site will be left unattended without adequate lighting and barricades so as to allow free and unhindered movement for all travel lanes and to ensure public safety.

508.6 Evaluation of Traffic and Safety Conditions:

For the purposes of public safety, the Public Works Director and/or the Chief of Police, or their designees, may direct specific actions to be taken when a primary contractor's steps taken thus far are deemed insufficient and continue to unreasonably interfere with the normal and ordinary flow of traffic or present conditions which adversely affect public safety and convenience.

508.7 Penalty:

In the event that any provision of Section 508 is violated, the Public Works Director and/or chief of Police, or their designees, are empowered to issue a cease & desist order against the contractor or his employees. Such order shall remain in effect until there is strict compliance with this ordinance.

510 Penalties

A person violating any provision of Chapter 5 of this code shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

