Sec. 13-112. Operation of OHRV's

No person shall operate an OHRV, as defined by NH RSA 215-A:1, in or on any street, lane, bridge, alley, sidewalk or other public place in the city except as provided below:

1. In addition to the public trails at Jericho Mountain State Park, the following is an authorized municipal public OHRV trail within the City of Berlin:

a) OHRV Connector Trail - This authorized municipal trail runs where marked from the Jericho Mountain State Park to Route 110 and follows Route 110 southeasterly as it changes from Jericho Road to Wight Street and finally to Third Avenue. The trail continues to follow Third Avenue to Mannering Street and follows Mannering Street to Second Avenue to Hillside Avenue. The trail follows Hillside Avenue, for a short distance to just southwest of 4 Hillside Avenue (Valley Creek Eatery, Map 119, Parcel 261) where the trail crosses into the Dead River Park Dead River Park or alternatively, to York Street (determined by how the trail is actually marked and signed) where it continues easterly to Cole Street. In the park the trail follows southeasterly to the southeast end of the Dead River Park. The trail then turns left onto Cole Street and follows a northeasterly direction to Mason Street where it follows Mason Street southeasterly to East Mason Street where it continues southeasterly to Hutchins Street where it follows Hutchins Street northeasterly to Success Pond Road where it follows Success Pond Road to the Berlin/Success line. This authorized municipal trail includes the section of East Mason Street from the RR tracks east of Hutchins Street to Hutchins Street. (Ord. 9-20-2010) (Ord. 4-02-2012)

b) In places where the Connector Trail authorized above follows City streets, the trail is so designated with, OHRV signage and markings, which must be obeyed by the OHRV operator.

c) The Berlin OHRV Connector Trail and the City of Berlin's roadways will be closed to OHRV riders when the Bureau of Trails declares that the snow machine trails are no longer useable. The connector trail will re-open on May 23, or a reopen date set by the State Trails Bureau. Berlin's roadways will reopen accordingly. (Ord. 4-02-2012)(Ord. 5-04-2015)

d) The City of Berlin's roadways will be open to OHRV riders for purposes of accessing the Connector Trail, (via the shortest possible route) as well as local businesses and services. Riding on municipal streets for any other purpose is prohibited.

e) Any person who violates the provisions of this article shall be guilty of a violation, punishable by a fine as follows: All violations are subject to a loss of OHRV operating privileges on City streets, NOT including the OHRV Connector trail. (Ordinance 2/17/2014)

First offense, $100.00 fine.

Second offense, $250.00 fine.

Third offense, $500.00 fine.

2. OHRV users in the City must abide by all State and City laws when on designated trails on City streets and must abide by all motor vehicle traffic laws. However, underage State certified OHRV operators may ride the trail on City streets if and only if accompanied closely by a properly motor vehicle licensed adult. (Ord. 9-20-2010)

a) OHRV's must yield to pedestrians at all times. (Ord. 9-20-2010)

b) OHRV operators, when operating on the designated trail on City streets, shall ride single file in traffic in the paved travel lane (not gravel or paved shoulders).

c) There will be no OHRV riders on City streets between the hours of 10:00 p.m. through 6:00 a.m. unless authorized by the City Council during special events. (Ordinance 2/17/2014)

e) All OHRV's operating on designated trails on City streets must have working head and tail lights.

3. Complaints regarding OHRV use of these trails shall be received by the Traffic Safety Committee, who may recommend changes to the Council. The Council shall have the power to change the times of such OHRV use by vote without amendment to this ordinance. (Ord. 4-2-2012)

4. Anything above to the contrary notwithstanding, the City Council may, at any time by City Council motion, open up some or all streets in the City to OHRV use for named special events not to exceed two consecutive days in length; or in the event of temporary OHRV

trail obstructions or other matters determined by the Council to require temporary OHRV street use for a length of time determined appropriate by the Council. If and when such City Council approval is given, City street use by OHRV's shall still be subject to all of the requirements listed above for OHRV use of the authorized connector trail. (Ord. 5-21-2012) (Ord. July 16, 2012)

Secs. 13-113 – 13-120. Reserved

License & Age Restriction The following apply to all operators and passengers operating on personal, private and/or public property.

OHRV Wheeled Vehicles						
Operating On Personally owned & Public Property			Operating On private and/or Public Property			
AGE	helmet & Eye Protection	carry passengers on ATV	Accompanied by Licensed Adult over 18	Driver's License or Safety Certificate	Operate Across Roads	Operate ON designated Roads*
Under 12	YES	NO	YES	NO	NO	NO
12 or 13	YES	NO	YES	YES	YES	YES*
14 or 15	YES	NO	NO	YES	YES	YES*
16 or 17	YES	NO	NO	YES	YES	YES*
18 and over	NO	YES	NO	YES	YES	YES*

* To operate on approved roads, must possess a valid driver's license OR must possess valid safety certificate and must be accompanied by an adult at least 18 years of age who possesses a valid driver's license.

OHRV Wheeled Vehicle – Youth Operator Requirements				
Under Age 12	Age 12 or 13	Age 14 or 15	Age 16 or 17	18 or older
While operating on personal property or other public property and trails must have helmet and eye protection and cannot carry passengers on an ATV or ride along or across any public road. While operating on public property or trails (other than personal property) Must be accompanied by a licensed adult over 18 years of age at all times. Cannot operate across or on public roads. May take an OHRV Safety class but cannot be certified (11 year olds may take class and receive card — becomes valid on 12th birthday). Go to ride.nh.gov for more information.	While operating on their own personal property or other public property and trails must have helmet and eye protection and cannot carry passengers on an ATV. Must possess an OHRV Safety Certificate if off of personal property. While operating on public property or trails: Must be accompanied by a licensed adult over 18 years of age at all times. May cross roads. May operate on approved roads but must be accompanied by a licensed adult over 18 years of age at all times.	While operating on personal property or other public property and trails must have helmet and eye protection and cannot carry passengers on an ATV. Must possess an OHRV Safety Certificate if off of personal property. While operating on public property or trails: Not required to be accompanied. May cross roads. May operate on approved roads but must be accompanied by a licensed adult over 18 years of age at all times.	While operating on personal property or other public property and trails must have helmet and eye protection and cannot carry passengers on an ATV. Must possess an OHRV Safety Certificate if off of personal property or must possess a valid motor vehicle driver's license. While operating on public property or trails. Not required to be accompanied. May cross roads. If not licensed to drive a motor vehicle, may operate on approved roads but must be accompanied by a licensed adult over 18 years of age at all times.	While operating on personal property or other public property and trails helmet and eye protection recommended. May carry passengers on an ATV. Must possess an OHRV Safety Certificate if off of personal property or must possess a valid motor vehicle driver's license. May cross roads. If not licensed to drive a motor vehicle, may operate on approved roads but must be accompanied by a licensed adult at least 18 years of age at all times.