

## **Definitions**

**\*\* 259:49-a: Light Industrial Use** shall mean manufacturing and distribution of products for wholesale or retail use where the operation includes the need for access to contiguous or nearby warehouses, showrooms, construction sites, or manufacturing facilities including crossing a way or portion of a way or driving on a way where the route or crossing is approved by the government authority controlling the way.

**259:3 Agriculture and Farming.** – The words "agriculture" and "farming" mean all operations of a farm, as defined in RSA 21:34-a.

**259:32 Farm.** – The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in RSA 21:34-a, II.

### **21:34-a Farm, Agriculture, Farming.** –

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

II. The words "agriculture" and "farming" mean all operations of a farm, including:

- (a)(1) The cultivation, conservation, and tillage of the soil.
  - (2) The storage, use of, and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.
  - (3) The use of and application of agricultural chemicals.
  - (4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus elephus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).
  - (5) The breeding, boarding, raising, training, riding instruction, and selling of equines.
  - (6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.
  - (7) The raising, breeding, or sale of poultry or game birds.
  - (8) The raising of bees.
  - (9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
  - (10) The production of greenhouse crops.
  - (11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.
- (b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:
- (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
  - (2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry\* or lumbering\*\*\* operations. (\*\*\*)see definitions below)

(5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

IV. Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.

V. The term "farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

VI. The term "agritourism" means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation.

Source. 1961, 140:1. 1977, 95:1. 1979, 60:1. 1985, 6:1. 1997, 250:1. 1999, 191:2. 2005, 107:1. 2006, 11:5; 326:1. 2007, 157:1. 2008, 8:1, eff. July 4, 2008.

\*Forestry: The science and art of developing, maintaining, and managing forests

\*\*Lumber: Timber, esp when sawed into planks or boards

\*\*\*Lumbering: To cut and prepare timber for market

**261:41-a Registration, Equipment, and Inspection of Vehicles; Exemption for Utility Vehicles. –**

I. An agricultural/industrial utility vehicle, as defined in RSA 259:2-a, if operated on a way shall be registered as provided in RSA 261:141, III(dd).

II. Any agricultural/industrial utility vehicle, as defined in RSA 259:2-a, shall be exempt from inspection under RSA 266:1, but shall be subject to inspection by a law enforcement officer at any time when being operated on a way. Any person operating such a vehicle on a way shall hold a valid driver's license.

III. When operated on a way for purposes other than crossing the way for trail access, any agricultural/industrial utility vehicle, as defined in RSA 259:2-a, shall be equipped in accordance with the provisions of RSA 215-A:14 and in addition shall be equipped with at least one red reflex reflector on the left rear if operated during the hours of darkness; an interior or exterior mirror; a vehicle identification number that conforms to federal requirements; seatbelts installed at each designated seating position if originally so equipped; an intact windshield if originally so equipped; and tires inflated to cold inflation pressure not more than the maximum permissible pressure molded on the sidewall. Such vehicle shall also be equipped with a slow moving vehicle emblem to the rear and may be equipped in addition with an amber flashing or rotating light.

IV. A motorcycle, trail bike, or agricultural/industrial utility vehicle that meets all the requirements of an off highway recreational vehicle in RSA 215-A:1, VI shall be used as an off highway recreational vehicle only when it has a valid OHRV registration issued under the provisions of RSA 215-A:21.

Source. 2014, 282:4, eff. July 28, 2014.

**215-A:14 OHRV Required Equipment. –**

I. No person shall operate an OHRV unless it is equipped with:

(a) At least one, but not more than 2 headlights, all in working order, when operating at any time during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

(b) One or more rear taillights, all in working order, when operating at any time during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

(c) Adequate brakes in good working order sufficient to control the vehicle at all times. The brakes must be capable of stopping the vehicle within 40 feet at 20 miles per hour, or locking the wheels or track to a standstill.

(d) The current registration decal affixed to the OHRV as required by this chapter.

(e) Mufflers and an exhaust system which comply with the requirements of RSA 215-A:12.

II. Any sled or trailer towed behind an OHRV shall be equipped with reflectors and a rigid hitch such as a tow bar.

III. Any police officer or person authorized to make criminal arrests may stop and check any OHRV in regard to any safety equipment, mufflers, brakes, lights and appropriate inspections pursuant to RSA 215-A:13.

**215-A:12 Manufacturing Specification Requirements. – I, II. [Repealed.]**

III. No person shall sell or offer for sale in this state any trail bike manufactured on or after January 1, 1973, or before January 1, 1983, which produces a sound level in excess of the following limits, when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice J-331a, "Sound Levels for Motorcycles":

(a) If manufactured between January 1, 1973, and December 31, 1974, inclusive, of 88 decibels on the A scale.

(b) If manufactured between January 1, 1975, and December 31, 1982, inclusive, 86 decibels on the A scale.

(c) On or after January 1, 1983, newly manufactured trail bikes and exhaust systems and exhaust system

components for trail bikes shall comply with the federal noise emission standards and testing procedures required by Title 40 of the United States Code of Federal Regulations, Part 225, as follows:

(1) Effective January 1, 1983: Displacement of 170 cc and below, not to exceed 83 decibels on the A scale. Displacement of more than 170 cc, not to exceed 86 decibels on the A scale.

(2) Effective January 1, 1986: Displacement of 170 cc and below, not to exceed 80 decibels on the A scale. Displacement of more than 170 cc, not to exceed 82 decibels on the A scale.

(d) Each federally regulated trail bike and exhaust system newly manufactured on or after January 1, 1983, sold or offered for sale within the state, shall display noise emission control information labels in accordance with the above referenced federal noise emission regulation, to indicate that the vehicle and exhaust system meets United States Environmental Protection Agency noise emission requirements by the federal test procedure for that particular model product.

(e) The labeling of newly manufactured trail bikes and exhaust systems or exhaust components, with the appropriate noise emission control information labels as prescribed in this chapter, constitutes a certification by the manufacturer of such vehicles and products sold within the state that they comply with federal regulations and the sound levels established in this section.

(f) Vehicles designed, constructed, and sold solely for use as racing vehicles at facilities constructed for closed-course racing are exempt from the provisions of this section, but only when used at such racing facilities.

(1) Each trail bike and exhaust system or exhaust system component newly manufactured on or after January 1, 1983, that is designed, constructed and sold solely for competition shall be labeled, as required by the above referenced federal noise emission regulation, that the vehicle and exhaust system or exhaust system component is designed for closed-course competition only.

(2) The labeling of such products by the manufacturer in accordance with the federal regulation constitutes a certification by the manufacturer that they do not conform to federal noise standards or New Hampshire sound levels established in this section.

IV. No person shall operate in this state a trail bike or all terrain vehicle which produces a sound level in excess of 96 decibels on the A scale, when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice ANSI/SAE, J-1287, Mar 82, "Measurement of Exhaust Sound Levels of Stationary Motorcycles".

V. No person shall operate in this state any trail bike or other OHRV which is designed, constructed, and sold solely for closed-course competition and is without a headlight and a taillight. The provisions of this paragraph shall not apply to trail bikes or OHRVs operated at approved OHRV competitions, or when the exhaust system is modified to comply with the provisions of RSA 215-A:12, IV and RSA 227-L:20.

VI. Sound pressure levels in decibels shall be measured on the "A" scale of a sound level meter having characteristics defined by American National Standards Institute S1.4-1971, "Specification for Sound Level Meters."

VII. No person shall modify the manufacturer's specified exhaust system of any OHRV in any manner which will increase or amplify the noise emitted above that emitted by the original muffler.

VIII. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, 1990, which does not have a working headlight, except that an ATV with an engine size of 90 cubic centimeters or less, having 3 or more tires designed to hold not more than 10 pounds per square inch of air pressure, shall not be required to be equipped with a headlight.

IX. [Repealed.]

X. No person shall operate, sell or offer for sale in this state any ATV manufactured after January 1, 1990, which is not equipped with a location on the front and rear of the ATV specifically for the placement of registration plates or decals, which measure 3 1/2 inches by 6 inches.

Source. 1981, 538:3. 1982, 12:6. 1983, 449:7. 1985, 261:3, 4. 1987, 56:1. 1988, 208:4. 1993, 320:2. 1994, 124:1. 1995, 55:1, 2; 299:10. 2003, 295:2. 2005, 210:64, VII, eff. July 1, 2006.

# Agricultural/Industrial Utility Vehicle Check list

## RSA's 259:2-a, 282:4, 265:160

**Circle one**

**AGRISUV (must be used in accordance with 21:34-a) law attached or**

**INDLSUV (must be used in accordance with 259:49-a) law attached**

Yes	No	<u>Definition RSA 259:2-a</u>
		1. 4 or 6 wheels
		2. Equipped in Accordance with 261:41-a III -law attached
		3. Internal combustion or electric motor or both, excluding a tractor
		4. Load capacity of 1500 pounds or less
		5. Capability of carrying 6 occupants or less
		6. Limited to ways or portions of ways where such vehicles are allowed and having posted speed limits of 40 miles/hr. or less
		7. Used for agricultural, farming (RSA 21:34 a) or light industrial (see definitions)
		8. used within a 10 mi radius from an entrance to land used by the farm <b>OR</b> a 2 mi radius from the entrance to the light industrial complex or construction site and subject to any other special conditions established by the government authority controlling the way

Yes	No	<u>Inspection/Equipment Required RSA 282:4</u>
		Shall be equipped with the provisions of 215-A:14-law attached
		a)at least one, but not more than 2 headlights, all in working order when operating at any time from ½ hr before sunset to ½ hr after sunrise
		b) One or more rear taillights, all in working order when operating at any time from ½ hr before sunset to ½ hr after sunrise
		c)Adequate brakes in good working order sufficient to control the vehicle at all times, the brakes must be capable of stopping the vehicle within 40' at 20 mph or locking the wheels or track to a standstill
		d) The current registration decal affixed to the OHRV as required by this chapter if it is dual registered.
		e) Mufflers and exhaust system which comply to the requirements of RSA 215-A:12
		One red reflex reflector on the left rear if operated during the hours of darkness
		An interior or exterior mirror
		Seatbelts installed at each designated seating position if so originally equipped
		An intact windshield if originally so equipped
		Tires inflated to cold inflation pressure not more than the maximum permissible pressure molded on the sidewall
		Vehicle shall be equipped with a slow moving vehicle emblem to the rear
		<b>A VIN that conforms to federal requirements (17 digits)- if not 17 digits registrant must bring completed checklist to a salvage location to purchase a NH issued VIN for \$30.00</b>

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**Use of  
Plates**

**RSA 265:160**

Posted speed limit of 40 mph or less

The route or crossing being used is open to such vehicles and at such times and under any other special operating conditions established by the government authority having control of the way  
Shall hold a valid driver's license or shall have successfully completed the approved snowmobile or off highway recreational vehicle safety training course. Persons with a suspended or revoked operating privilege shall not operate a utility vehicle, including an off highway recreational vehicle across a way.

Signature of Registrant \_\_\_\_\_ Date \_\_\_\_\_

Town Clerk user number and initials \_\_\_\_\_