

CHAPTER 156

LOGGING AND WOODCUTTING

[**HISTORY:** Art. I, Adopted by the Board of Selectmen of the Town of Hillsborough 1-9-1978; Art. II, Adopted by the Annual Town Meeting of the Town of Hillsborough 3-9-1982 as Art. 33. Amendments noted where applicable.]

ARTICLE I

Hauling of Logs

[Adopted by the Board of Selectmen 1-9-1978]

§ 156-1 Permission required to transport logs; bond.

From and after the effective date of this article, it shall be unlawful for any person, partnership or corporation to haul, transport, or cause to be hauled or transported, any logs over town highways, streets or roads without securing prior written permission from the Board of Selectmen. Said permission may be conditioned upon the filing with said Board of a performance bond to secure the repair of said highways, streets or roads damaged as a result of logging operations, in an amount and surety sufficient to cover the estimated costs of repair as determined by the Superintendent of Public Works. Said bond shall be approved as to form and sureties by the legal counsel of the Town of Hillsborough and conditioned upon the completion and guarantee of said repairs within a period specified by said Board and expressed in said bond.

§ 156-2 Form of bond.

Said performance bond shall be in substantially the following form:

Performance Bond

KNOW ALL MEN BY THESE PRESENTS THAT

_____ of _____, in the County of _____ and State of _____, hereinafter referred to as "principal," and _____ of _____, in the County of _____ and State of _____, hereinafter referred to as "surety," are held firmly bound unto the Town of Hillsborough, a municipal corporation, in the County of Hillsborough and State of New Hampshire, hereinafter referred to as "town," in the sum of _____ (\$_____) lawful money of the United States, payment of which is made herewith to be held by said town upon the following conditions:

The condition of this obligation is such that whereas principal has undertaken logging operations within said town and, in accordance with town ordinances, has agreed to repair any damage to town roads resulting from such operations, as determined by town's Superintendent of Public Works, said obligations to be completed on or before the _____ day of _____, 19 ____;

NOW THEREFORE, if said principal shall well and truly perform in all respects its obligations hereunder in strict accordance with the requirements of its agreement herein and shall save said town harmless from all loss, costs or damage by reason of its failure to complete its agreements herein, then this obligation shall be void and fully terminated, and all payments hereunder shall be returned to principal. Upon failure of principal to perform its agreements herein, payment hereunder shall be retained by said town as liquidated damages in full settlement of all its claims against said principal and surety for breach of the obligations set forth herein.

IN WITNESS WHEREOF the parties have hereunto caused their hands and seals to be affixed this _____ day of _____ 19____.

Witness:

Principal
Surety

§ 156-3 Penalties for offenses.

Whoever shall fail to comply with the conditions of this article shall be guilty of a violation and subject to a fine of \$100 for each such occurrence. For the purposes of this article, each load of logs hauled, transported or removed over said town highways, streets or roads shall be deemed a separate occurrence.

§ 156-4 When effective.

This article shall be effective upon acceptance by the Board of Selectmen, publication in the Messenger and upon recording an attested copy of the same with the Hillsborough Town Clerk.

ARTICLE II

Woodcutting

[Adopted by the ATM 3-9-1982 as Art. 33]

§ 156-5 Offering of cut wood to abutting landowner.

The Board of Selectmen is instructed to require that no town employee shall take any wood cut alongside of any highway without first offering the cut wood to the abutting landowner.

§ 156-6 Disposal of wood at public auction.

Any wood refused by the abuttor or abandoned shall be disposed of by being offered to indigent citizens by being moved to the landfill and auctioned to the highest bidder at public auction.

§ 156-7 Disposition of moneys.

Such moneys received shall be added to the general fund to defray town expenses and taxes.