

ARTICLE IX
MOTOR VEHICLES AND TRAFFIC

SECTION 900 DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the following meaning(s):

900.1 Bus stop

An area in the roadway set aside for the boarding of or alighting from and the parking of buses.

900.2 Crosswalk

That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections or at any portion of a roadway clearly indicated for pedestrian crossings by lines on the road surface or by other markings or signs.

900.3 Emergency vehicle

Vehicles of the Fire Department, police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when responding to an emergency.

900.4 Funeral.

Any procession of mourners properly identified as such accompanying the remains of a human body.

900.5 Lane.

A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

900.6 Officer

An officer shall mean any police officer, any investigator, examiner or inspector of the registry of motor vehicles, any constable or special officer.

900.7 Official curb marking

That portion of a curbing, the painting of which has been authorized by the Selectboard and which has the written approval of the Massachusetts Highway Department.

900.8 Official Street Marking

Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Selectboard and which has the written approval of the Massachusetts Highway Department.

900.9 Official traffic signs

All signs, markings and devices approved by the Massachusetts Highway Department and placed or erected by the authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

900.10 Parking

A vehicle being stationary, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

900.11 Pedestrians

Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

900.12 Railroad crossing

Any intersection of ways with railroad right of way.

900.13 Roadway

That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

900.14 Sidewalk

That portion of a street or highway set aside for pedestrian travel.

900.15 Street or highway

The entire width between property lines of every way open to the use of the public for purposes of travel.

900.16 Taxicab

A motor vehicle used for the conveyance of persons for hire, but not including motor vehicles operated in the manner and for the purpose stated in General Laws, Chapter 159A, nor motor vehicles hired for livery purposes.

900.17 Taxicab stands

An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

900.18 Traffic

Pedestrians, ridden or herded animals, vehicles, streetcars or other conveyances either single or together while using any street or highway for the purpose of travel.

900.19 Traffic-control signal

Any device using colored lights, conforming to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and proceed.

900.20 Vehicle

Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 901 OPERATION OF MOTOR VEHICLES

901.1 Obedience to traffic signal and signals

No driver of any vehicle shall disobey the instructions of any official traffic-control signal, sign, marking, marker or legend, unless otherwise directed by a police officer. Obedience to traffic control signals shall conform to applicable sections of Massachusetts General Laws and the Manual of Uniform Traffic Control Devices as adopted by the Massachusetts Highway Department.

901.2 Passing

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

901.3 Operator of passed vehicle to give way

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

901.4 Obstructing traffic prohibited; when vehicles to pull to side of road

No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

901.5 Obstructing intersections and crosswalks

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle s/he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic-control signal indication to proceed.

901.6 Following too closely

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

901.7 Slow vehicles to stay two hundred (200) feet apart; exception

When traveling outside of a business or residential district, upon roadways less than twenty-seven (27) feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow moving vehicle shall not follow another slow moving vehicle within two hundred (200) feet, but this shall not be construed to prevent a slow moving vehicle from overtaking and passing another slow moving vehicle. This section shall not apply to funerals or other lawful processions.

901.8 Stopping and turning signals

Any stopping or turning signal shall be given in sufficient time in advance of the movement indicated to give ample warning to any person who may be affected by such movement, and

shall be given either by means of the hand and arm in the manner specified below, or by a suitable mechanical or electrical device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being made or from being visible both to the front and rear, the signal shall be given by a suitable mechanical or electrical device.

Hand and arm signals, as required herein, shall be made as follows:

- (a) An intention to stop shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle.
- (b) An intention to turn to the left shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle, and by pointing to the left with the index finger.
- (c) An intention to turn to the right shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle, and by moving the hand in a circle.

901.9 Driving on divided roads

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings and shall conform to Massachusetts General Laws and the Manual Uniform Traffic Control Devices as adopted by the Massachusetts Highway Department.

901.10 Driving on roads under construction

No operator shall enter upon the road surface of any street or highway or section thereof, when, by reasons of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the Town, either audibly or by signals conforming to the Manual Uniform Traffic Control Devices as adopted by the Massachusetts Highway Department.

901.11 Driving on sidewalks prohibited

The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

901.12 Funerals and other processions

It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe. At an intersection where a traffic-control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow

indication. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession, shall be the only one required to stop before proceeding through the intersection. A funeral composed entirely or partly of a procession of vehicles shall be identified as such and each vehicle operator shall keep the vehicle headlights turned on.

901.13 Dropping or leaking loads

No vehicle shall be driven or moved on any street or highway nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping there from. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways. All vehicles shall conform to applicable standards of Massachusetts General Laws and the current regulations on solid waste disposal and collection as approved by the Selectboard.

901.14 Bridge load limits

The Town Engineer shall determine the appropriate load limit in conformance with the Massachusetts Highway Standards. The Town Clerk and Department of Public Works shall maintain on file a current list of Town bridges and their ratings and restrictions as established by the Massachusetts Highway Department.

901.15 Impeding traffic

No person shall obstruct or impede pedestrian traffic upon any sidewalk or public pedestrian easement, or obstruct or impede vehicular traffic upon any street in the Town, absent prior permission from the Selectboard or the Department of Public Works.

Whoever violates this section shall pay a fine of not more than \$50.00 for each violation.

901.16 Officers to direct traffic

Officers designated by the Chief of Police are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this chapter; provided, that, in the event of a fire or other emergency, officers of the Police or Fire Departments may direct traffic, as conditions may require to expedite traffic or safeguard pedestrians.

901.17 Police may close streets temporarily

The Chief of Police may order the temporary closure of any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.

901.18 Experimental or emergency regulations authorized; term valid

For purposes of trial, the Selectboard may make temporary or emergency rules regulating traffic or test, under actual conditions, traffic signs, markings or devices other than signals. No such experimental or emergency rule regulating traffic shall remain in effect for a period of time longer than thirty (30) days.

901.19 Exemptions from obedience to section

The provisions of this chapter shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of this chapter. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

SECTION 902 TRAFFIC SIGNS, SIGNALS, MARKING AND ZONES

902.1 Speed limit zones

The Town Clerk and Department of Public Works shall maintain on file a current list of speed limits and restrictions on Town ways as approved by the Selectboard.

The provisions of this regulation shall not, however, abrogate in any sense Chapter 90, Section 14, of the General Laws

902.2 Stop Signs

The Town Clerk and Department of Public Works shall maintain on file a current list of stop sign locations on Town ways as approved by the Selectboard. Every driver of a vehicle, railway car or other conveyance approaching an intersection of ways where there exists facing him or her an official sign bearing the word "STOP" or a flashing red signal indication, such sign or signal having apart from these rules and orders, the written approval of the Massachusetts Highway Department and the provisions of the Manual of Uniform Traffic Control Devices, and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle, or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not so marked, then at the nearer line of crosswalk of the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device, or as provided in Section 901.16

902.3 Procedure at underpasses, overpasses and intersections with islands

At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps and at any intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals or markings,

and the Manual Uniform Traffic Control Devices as adopted by the Massachusetts Highway Department.

902.4 One-way streets

This list is available and on file at the Town Clerk's Office.

902.5 Signs and signals to be erected; when parking restrictions effective

(a) The Town engineer is hereby authorized, and as to those signs and signals required hereunder it shall be his or her duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts.

(b) Parking restrictions shall be effective only during such time as a sufficient number of official signs are erected and maintained in each block and located so as to be easily visible to approaching drivers.

902.6 Authority to designate prohibited right turns on red traffic signals

The Selectboard shall be authorized, except as otherwise determined by state or federal law, to designate those intersections in Town where right turns on red traffic signals are prohibited.

902.7 Display of unauthorized signs, signals and markings prohibited; removal

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed, without notice.

902.8 Interference with signs, signals and markings prohibited; penalty.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding one hundred (\$100) dollars for each and every offense.

902.9 Designation and use of bus stops and taxicab stands.

The location of all bus stops and taxicab stands shall be specified by the Selectboard and in the case of taxicab stands the Selectboard shall designate who may use them as such.

SECTION 903 INTENTIONALLY OMITTED

SECTION 904 PARKING

904.1 General Prohibitions

The Town Clerk and Police Department shall maintain on file a current list of parking restrictions on Town ways as approved by the Selectboard. In addition to the foregoing, no person shall park a vehicle in any of the following places and vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an officer and at the expense of the owner:

- (a) within an intersection;
- (b) upon any sidewalk;
- (c) upon any crosswalk;
- (d) upon the roadway in a rural or sparsely settled district;
- (e) upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve inches of the curb or edge of the roadway, except streets or parts of streets where angle parking is required;
- (f) on one-way streets, unless parked in the same direction in which vehicles are required to move and with both wheels within twelve inches of the curb.
- (g) upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten feet wide for passing traffic;
- (h) upon any street or highway within ten feet of a fire hydrant; and
- (i) upon any street or highway within twenty feet of an intersecting way, except alleys.

904.2 Handicapped parking

It shall be unlawful for any person to leave any vehicle within parking spaces on public or private property which are required, under any provision of federal, state or local laws or regulations, to be designated and are clearly marked as reserved for vehicles owned and operated by disabled veterans or handicapped persons, except a vehicle transporting a handicapped person and displaying the special identification plate issued by any state or any Canadian province, or to park in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.

The penalty for a violation of this bylaw shall be one hundred dollars (\$100); provided, however, that nothing herein shall be construed as prohibiting the removal, in accordance with the provisions of section one hundred and twenty D of Chapter two hundred and sixty-six, of any vehicle which is in violation of this bylaw.

904.3 Parking time limitations

Parking time limitations are provided on the list on file and available at the Town Clerk's Office.

904.4 Intentionally omitted

904.5 Time limit for parking to load and unload commercial vehicles

Operators of commercial vehicles may park in a prohibited zone on the roadway or at the edge or curb of a street for the purpose of loading or unloading of trucks or delivery wagons for a period of time not to exceed fifteen (15) minutes.

904.6 Parking on town property

Town boards charged by law with custody and control of Town property, other than public ways, may, from time to time, after a public hearing, adopt or amend rules and regulations governing the parking of motor vehicles on said property. Said rules and regulations may include a specified fine for violation thereof not to exceed twenty-five dollars (\$25). Any regulation so adopted shall be effective ten (10) days following posting in the Town Hall and publication in a newspaper with general circulation in the Town. This section and any rules or regulations adopted pursuant hereto may be enforced by the Police Department pursuant to M.G.L.A. C. 40, § 21D.

904.7 Police may prohibit parking temporarily; removal of vehicles

The Chief of Police may prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage, demonstration or procession, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

904.8 Intentionally omitted

904.9 Intentionally omitted

904.10 Taxicab Stands

- (a) No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand for a period of time longer than fifteen (15) minutes except while actually engaged in loading or unloading provided that such loading and unloading does not exceed a period of time longer than one-half (1/2) hour.
- (b) No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his or her taxicab or taxicabs except while engaged or while waiting for an opportunity to use a taxicab stand designated for him or her use.

904.11 Owner of vehicle prima facie responsible for violations.

If any vehicle is found upon any street or highway in violation of any provisions of this Section and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violations.

904.12 Penalties

Any person violating any provision of this Section shall be subject to Section 20C of chapter 90 of the General Laws, and any person violating any of the rules and regulations applicable to state highways made by the Department of Public Works of the commonwealth, under authority of chapter 85, section 2 of the General Laws, shall be subject to the penalty provided in such rules and regulations. Parking violation procedures shall conform to Massachusetts General Laws, Chapter 90, Section 20A½ and any other applicable sections. The Town Clerk, Department of Public Works and Police Department maintain a current list of restrictions and prohibitions on parking on town ways as approved by the Selectboard.

SECTION 905 SNOW REMOVAL

905.1 Removal of vehicles which impedes snow plowing, etc.

The Town hereby adopts the terms and provisions of M.G.L. Chapter 40, §22D, providing for the removal of motor vehicles which impede snowplowing or snow removal operations from municipal ways. For the purpose of removing or piling snow or removing ice from a public way or a private way to which the public has access, the DPW Superintendent has authority, after providing reasonable notice, to remove to a convenient place, including a public garage, any vehicle that interferes with the snow or ice removal process. If the DPW Superintendent removes a vehicle for this purpose, s/he shall:

- (a) Keep a record of the registration number of each vehicle and the place to which it is removed;
- (b) Immediately inform the Police Department that the vehicle has been towed; and
- (c) Within forty-eight (48) hours after the removal of the vehicle, send notice by mail to the owner of the vehicle at his or her address as recorded at the Registry of Motor Vehicles of the place to which the vehicle has been removed. If the owner of the vehicle is not known or is not on the record of the Registry of Motor Vehicles for this Commonwealth, the DPW Superintendent shall, within forty-eight (48) hours after removal of the vehicle, publish in a newspaper of general circulation in the Town notice of the removal, the registration number, if any, the type of vehicle, and the place to which the vehicle was removed.

A person is not entitled to recover a vehicle that has been removed under this section until s/he has:

- (a) furnished to the Police Department satisfactory evidence of his or her identity and of his or her ownership or right to possession of this vehicle; and
- (a) (b) Paid the reasonable costs, not exceeding the maximum charges allowed by the Massachusetts Department of Public Utilities for this area, of removing the vehicle to the place of storage and all reasonable charges, if any, for storage, together with the costs of publication or the sending of any notice required under this section.

905.2 Removal of snow from sidewalks

Within twenty-four (24) hours after a snowfall, a tenant or occupant (and if no tenant or occupant, the owner) of property abutting a public way shall remove the snow from the sidewalk(s) abutting such property.

SECTION 906 TAXICABS

906.1 Operator licenses

No person shall operate a taxicab upon any public way in the Town unless s/he has first been licensed by the Selectboard pursuant hereto; provided, however, that no license shall be required during thirty calendar days from the initial date of employment as a taxicab operator. Any person seeking to be licensed pursuant to this Section for operation of a taxicab shall apply to the Selectboard upon such form or in such manner as the Selectboard may determine and shall simultaneously file with the Chief of Police his or her name, address and descriptive data from his or her license to operate motor vehicles, including any restrictions thereon, together with a photograph comparable to any photograph on his or her license to operate motor vehicles.

906.2 Vehicle licenses

No taxicab shall be operated upon any public way in the Town unless the taxicab has been licensed by the Selectboard pursuant hereto. The owner of a taxicab shall apply to the Selectboard for licenses upon such form or in such manner as the Board may determine but shall present, together with such application, the following:

- (a) Certificate of registration issued by Registrar of Motor Vehicles;
- (b) evidence of liability insurance upon the taxicab, together with a statement of the insurance carrier that such insurance shall not be cancelled or revoked without first giving fifteen (15) days notice thereof to the Selectboard; and
- (c) evidence that the taxicab is equipped with a taximeter by which the charge for hire is mechanically calculated for distance and which has been tested and certified by the Sealer of Weights and Measures pursuant to General Laws, Chapter 98, Section 45.

All licenses issued pursuant hereto shall be signed by a majority of the Selectboard, shall set forth the name, residence and place of business of the licensee, and in the case of taxicab licenses shall further set forth the identification number, current registration number and the number of persons, exclusive of the operator, which the vehicle may carry, and shall be prominently displayed within the taxicab.

Each taxicab license shall expire simultaneously with the registration of the vehicle and shall be annually renewed. Each operator's license shall expire on December 31 of the year issued and shall be annually renewed.

No license shall be issued until the fee allowed by General Laws, Chapter 40, Section 22 therefore has been paid to the Town Clerk.

906.3 Nontransferability

No license issued pursuant hereto shall be transferable or used for any person or vehicle other than the one described on its face.

906.4 Revocation and suspension

The Selectboard may, after reasonable notice and hearing, revoke or suspend any license issued pursuant hereto.

906.5 Holders subject to rules and regulations

All licensees hereunder shall be subject to such rules, orders or regulations as may from time to time be promulgated by the Selectboard.

906.6 Inspection of taximeters

The Sealer of Weights and Measures shall, from time to time, inspect taximeters in licensed taxicabs. In the event that his or her inspection reveals any defect in a taximeter it shall be forthwith removed from the taxicab and such taxicab shall not be used until the defective taximeter is repaired or replaced, such repaired or replacement taximeter to be inspected and sealed as aforesaid before such taxicab is used.

906.7 Operation of taxicabs

No operator of a taxicab shall operate more than twelve hours during any consecutive twenty-four hour period, nor carry more passengers than the number allowed by the taxicab license of the vehicle.

906.7 Rates

Rate authority and approval are vested in the licensing board.

906.8 Penalties

Whoever violates any provision of this chapter shall be punished by a fine as referenced in Section 800.1.