

## Chapter 185

### VEHICLES AND TRAFFIC

**[HISTORY: Adopted by the Town Meeting of the Town of Charlton as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I

##### **Handicapped Parking; Fire Lanes**

**[Adopted as Art. XXX of the 2005 Bylaws]**

##### **§ 185-1. Handicapped parking.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**HANDICAPPED PARKING** — Designated parking spaces for vehicles either owned and operated by disabled veterans or by handicapped persons and bearing distinctive number plates or placards authorized by MGL c. 90, § 2, or for vehicles transporting handicapped persons and displaying the special parking identification plate or placard authorized by said MGL c. 90, § 2, or for vehicles bearing the official identification of a handicapped person issued by any state or any Canadian province shall be provided in public and private off-street parking areas.

B. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as an off-street parking area for a business, shopping mall, theater, auditorium, sporting or recreational facility, cultural center, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or placard authorized by said MGL c. 90, § 2, or for any vehicle transporting a handicapped person displaying the special identification plate or placard authorized by MGL c. 90, § 2, or for any vehicle bearing the official identification of a handicapped person issued by any state or any Canadian province, according to the following formula:

**If the number of parking spaces in any such area is:**

**Number of Required Handicapped Parking Spaces**

More than 15 but not more than 25

1

More than 25 but not more than 40

5% of such spaces but not less than 2

More than 40 but not more than 100

4% of such spaces but not less than 3

More than 100 but not more than 200

3% of such parking spaces but not less than 4

More than 200 but not more than 500

2% of such spaces but not less than 6

More than 500 but not more than 1,000

1½% of such spaces but not less than 10

More than 1,000 but not more than 2,000

1% of such spaces but not less than 15

More than 2,000 but not more than 5,000

3/4% of 1% of such spaces but not less than 20

More than 5,000

1/2% of 1% of such spaces but not less than 30


- C. Parking spaces designated as reserved under the provision of Subsection B, immediately above, shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "HANDICAPPED PARKING: SPECIAL PLATE REQUIRED. UNAUTHORIZED VEHICLES MAY BE REMOVED AT OWNER'S EXPENSE"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve (12) feet wide or two eight-foot-wide areas with four (4) feet of cross hatch between them. It shall be a violation of MGL c. 90, § 2, eighth paragraph, for a person to park a vehicle in the cross hatch areas.
- D. The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons or in such manner as to obstruct a curb ramp designated for use by disabled veterans or handicapped persons as a means of ingress or egress to a street or public way is hereby prohibited.
- E. The penalty for violation of this bylaw shall be fifty dollars (\$50) for the first offense, and one hundred dollars (\$100) for the second and any subsequent offense. Nothing herein shall be construed as prohibiting the removal of any vehicle which is in violation of this bylaw in accordance with the provisions of MGL c. 266, § 120D.
- F. This bylaw shall be enforced by the Town of Charlton Police Department. Penalties for violations may be enforced by a noncriminal disposition pursuant to MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, of the Charlton General Bylaws.

**§ 185-2. Fire lanes.**

- A. No person shall leave a vehicle or object, or allow to remain standing, whether attended or unattended, or allow it to remain live parked, within the limits of a private way or any place where the public has a right of access as invitees or licensees, which way or area has been

designated by the Fire Chief as a fire lane or as furnishing a means of access for fire apparatus to any building.

- B. The Fire Chief may require and prescribe the establishment of fire lanes whenever and wherever public safety or necessity in such Chief's opinion so requires and may prescribe the method by which it shall be done.
- C. Fire lanes shall be marked by yellow lines, at least four (4) inches wide on a diagonal, from the point of origin to the curb or sidewalk. The legend "FIRE LANE" shall be included within the printed area. Signs with the legend "NO PARKING- FIRE LANE" may be required at the Fire Chief's discretion.
- D. The penalty for violation of this bylaw shall be fifty dollars (\$50) for the first offense, and one hundred dollars (\$100) for the second or any subsequent offense. Nothing herein shall be construed as prohibiting the removal of any vehicle which is in violation of this bylaw, in accordance with the provisions of MGL c. 266, § 120D.
- E. This bylaw shall be enforced by the Town of Charlton Police Department. Penalties for violations may be enforced by a noncriminal disposition pursuant to MGL c. 40, § 21D.

## ARTICLE II

### **Driving Control**

**[Adopted 5-5-2007 ATM by Art. 20 (Art. XXXVI of the 2005 Bylaws)]**

#### **§ 185-3. Title and purpose.**

- A. This bylaw shall be known as the "Driving Control Bylaw" and shall further regulate driving on public Town ways and private ways open to public travel in the Town of Charlton.
- B. The purpose of this bylaw is to encourage drivers to observe safer practices on Town ways for the protection of the general public, and to provide meaningful and effective enforcement mechanisms to help achieve that purpose. Many of the substantive provisions below have been modeled on those of 720 CMR 9.06, which regulates driving on Commonwealth highways.

#### **§ 185-4. Operation of vehicles.**

- A. Drive within marked lanes. When any roadway is divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he/she shall not move from the lane in which he/she is driving until he/she has first ascertained if such movement can be made with safety.
- B. Use right lane. Upon all roadways, the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

- C. Overtaking other vehicles. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not cut in ahead of such other vehicle until safely clear of it.
- D. Overtake only when there is a space ahead. 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 or without causing the driver of any such vehicle to change his/her speed or alter his/her course, except as provided in Subsection E immediately below.
- E. Vehicle being passed. Subject to the provisions of MGL c. 89, § 2, 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 when practicable in favor of the overtaking vehicle, on suitable and visible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

	<p>[Note: MGL c. 89, § 2, as of the date of adoption of this bylaw provides as follows: Editor's Note: This section of state law was amended by St. 2008, c. 525, §§ 8, 9, so that the first clause now reads as follows: Except as herein otherwise provided, the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle <u>and shall not return to the right until safely clear of the overtaken vehicle.</u>"]</p>
	<p>"Except as herein otherwise provided, the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle; and, if the way is of sufficient width for the two vehicles to pass, the driver of the leading one shall not unnecessarily obstruct the other. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on visible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.</p>
	<p>The driver of a vehicle may, if the roadway is free from obstruction and of sufficient width for two or more lines of moving vehicles, overtake and pass upon the right of another vehicle when the vehicle overtaken is (a) making or about to make a left turn, (b) upon a one-way street, or (c) upon any roadway on which traffic is restricted to one direction of movement."]</p>

- F. Obstructing traffic.
  - (1) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or way. Officers are hereby authorized to require

any driver who fails to comply with this Subsection F to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

- (2) Subject to the provisions of MGL c. 89, § 11, 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 he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

[Note: MGL c. 89, § 11, as of the date of adoption of this bylaw provides as follows:

- G. 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 way.
- H. Slow vehicles to stay two hundred (200) feet apart. Upon ways 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 commercial vehicle when traveling outside of a business or residential district shall not follow another slow-moving commercial vehicle within two hundred (200) feet, but this shall not be construed to prevent such slow-moving commercial vehicle from overtaking and passing another slow-moving commercial vehicle. The provisions of this Subsection H shall not apply to funerals or other lawful processions.
- I. Care in starting, stopping, turning or backing, Except as otherwise provided in 720 CMR 9.08(3), the driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement or other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by MGL c. 90, § 14B.

	[Note: 720 CMR 9.08(3) as of the date of adoption of this bylaw provides as follows:
	"Backing Prohibitions. No person shall back a vehicle for the purpose of gaining entrance to any express state highway off ramp. Exit from the highway shall be made only at succeeding exits. No person shall back a vehicle from any ramp which provides entrance or exit for an express state highway."
	[Note further: MGL c. 89, § 11, as of the date of adoption of this bylaw provides as follows:
	"Every person operating a motor vehicle, before stopping said vehicle or making any turning movement which would affect the operation of any other vehicle, shall give a plainly visible signal by activating the brake lights or directional lights or signal as provided on said vehicle; and in the event electrical or mechanical signals are not operating or not provided on

	the vehicle, a plainly visible signal by means of the hand and arm shall be made. Hand and arm signals shall be made as follows:
1.	An intention to turn to the left shall be indicated by hand and arm extended horizontally.
2.	An intention to turn to the right shall be indicated by hand and arm extended upward.
3.	An intention to stop or decrease speed shall be indicated by hand and arm extended downward.
	Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five dollars for each offense."]

- J. Obedience to traffic control signals. Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this Subsection J, including Subsections (1) through and including (8) below, and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a "stop" sign), signal or device or except as provided in Subsection X(2) below. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.
- (1) Green. While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such a signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right-of-way to pedestrians crossing with the flow of traffic.
  - (2) Right, left and vertical green arrows. When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right-of-way to vehicles proceeding from another direction on a green indication, and to pedestrians legally within a marked crosswalk.
  - (3) Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.
  - (4) Right and left yellow arrows. When yellow arrows are illuminated, drivers are warned that the related green movement is being terminated or that a red indication will be

exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

- (5) Red. While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.
- (6) Right and left red arrows. Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow shown. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (7) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, and the right to proceed shall be subject to provisions of MGL c. 89, § 8.

	[Note further: MGL c. 89, §8, as of the date of adoption of this bylaw provides as follows:
	"When two vehicles approach or enter an intersection of any ways, as defined in section one of chapter ninety, at approximately the same instant, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right. Any operator intending to turn left, in an intersection, across the path or lane of vehicles approaching from the opposite direction shall, before turning, yield the right-of-way until such time as the left turn can be made with reasonable safety. Any operator of a vehicle entering a rotary intersection shall yield the right-of-way to any vehicle already in the intersection. The foregoing provisions of this section shall not apply when an operator is otherwise directed by a police officer, or by a traffic regulating sign, device or signal lawfully erected and maintained in accordance with the provisions of section two of chapter eighty-five and, where so required with the written approval of the department of highways and while such approval is in effect.
	At any intersection on ways, as defined in section one of chapter ninety, in which vehicular traffic is facing a steady red indication in a traffic control signal, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk or the near side of the intersections or, if none, then at the entrance to the intersection in obedience to such red or stop signal, may make either (1) a right turn or (2) if on a one-way street may make a left turn

	to another one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that a city or town, subject to section two of chapter eighty-five, by rules, orders, ordinances, or bylaws, and the department of highways on state highways or on ways at their intersections with a state highway, may prohibit any such turns against a red or stop signal at any such intersection, and such prohibition shall be effective when a sign is erected at such intersection giving notice thereof. Any person who violates the provisions of this paragraph shall be punished by a fine of not less than thirty-five dollars."]
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(8) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

K. Lane-direction-control signals.

(1) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

L. Lane control signals. When traffic control signals are located and operated over or adjacent to the individual lanes of a street or highway within an area designated as a lane traffic control area, vehicles shall be operated in obedience to the command given by the signal indication shown over or adjacent to the lane in which the vehicle is being operated. A lane traffic control area is that portion of a way designated by official traffic signs installed not less than one thousand (1,000) feet in advance of lane traffic control signal installations.

M. Obedience to isolated stop signs. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. This Subsection M 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 Subsection X(3) below.

N. Obedience to "Yield" Signs. Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him/her an official sign bearing the word "Yield," said sign having been erected in accordance with the written approval of the Mass. Highway Department to the extent legally required, and such approval being in effect, shall surrender to oncoming traffic his/her right to enter the intersection until such time as he/she has brought his/her vehicle or other conveyance to a complete stop at a point between the

said "Yield" sign and the nearer line of the street intersection; provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "Yield" sign can enter the intersection in safety without causing interference to approaching traffic. This Subsection N 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 Subsection X(3) below.

- O. Sound horn when necessary. The driver of a vehicle shall give an audible warning with his/her horn or other suitable warning device whenever necessary to insure safe operation.
- P. Keep to the right of roadway division. Upon such ways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or areas, drivers shall keep to the right of such division, and shall cross such parkway, grass plot or reservation only at a crossover. In the case of a way which has no crossovers, access to the adjoining roadway shall be gained only by the proper use of under or overpasses and ramps. The foregoing provisions shall not apply when drivers are otherwise directed by an officer, or official signs, signals or markings.
- Q. Operation at under or over passes and at 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 channelizing islands, drivers of vehicles shall proceed only as indicated by signs, signals or markings.
- R. Driving on road surface under construction or repair. No operator shall enter upon the road surface of any way or section thereof when, by reason 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 way is not to be used, or when so advised by an officer, watchman, member of a local or state highway crew or employee of the Police Department, or of the MA Highway Department if apt, either audibly or by signals.
- S. No driving on sidewalks. The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.
- T. Emerging from alley or private driveway. The driver of a vehicle emerging from a private way, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such driveway or garage, and where no such sidewalk exists the stop shall be made at the building or property line as the case may be, and upon entering the way shall yield the right-of-way to vehicles approaching on the way.
- U. Certain turns prohibited. The driver of a vehicle or other conveyance shall not make a turn from the way in which he/she is driving into another way or driveway, at any point in the way, where such a movement is prohibited by signs.
- V. Driving or parking on channelizing island. No person shall drive over or park a motor vehicle upon any channelizing island, as defined in § 185-5 below, unless directed to do so by a police officer.

- W. Obedience to traffic signs, signals and markings. The driver of any vehicle or of any street car shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.
- X. Rights and duties of drivers in funerals or other processions.
- (1) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the way as is feasible and to follow the vehicle ahead as closely as practicable and safe.
  - (2) 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.
  - (3) At an intersection where a lawful isolated stop sign or signal 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.
- Y. Workers and equipment in way. Whenever traffic signs are erected or warning lights are displayed in or adjacent to a way to notify of the presence of workers and equipment, in such way every motorist shall regulate the speed of his/her vehicle in a manner and to a degree consistent with the particular condition.
- Z. U-turns prohibited. No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which said vehicle is headed or traveling wherever signs notifying of such a restriction have been erected.
- AA. Vehicle operation at crosswalks.
- (1) Subject to the provisions of MGL c. 89, § 11, when traffic control signals are not in place or not in operation the driver of a vehicle, which for the purposes of this bylaw shall include bicycles, shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the way within a marked crosswalk when the pedestrian is upon the half of the way upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the way to within five (5) feet of that half of the way upon which the vehicle is traveling.
  - (2) Subject to the provisions of MGL c. 89, § 11, no operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he/she is operating notwithstanding any traffic control signal indication to proceed.
- BB. Operators to exercise due care. The provisions of this bylaw shall in no way abrogate the provisions of MGL c. 90, §§ 14 and 14A, which provide: "Precautions for safety of other travelers" and for the "Protection of blind persons crossing or attempting to cross ways." Furthermore, notwithstanding the provisions of this bylaw, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the way and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

**§ 185-5. Definitions.**

For the purpose of this bylaw, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

**BICYCLE** — Any wheeled vehicle propelled by pedals and operated by one (1) or more persons.

**BUS** — Every vehicle designed for carrying more than eight (8) passengers and used primarily for the transportation of persons either for compensation, as a service, or as an adjunct to a school program.

**BUS STOP** — An area in a way set aside for the boarding of or alighting from buses.

**CAUTION SIGNAL** — A flashing yellow signal having the same general function as a warning sign.

**CHANNELIZING ISLAND** — A traffic island located to guide traffic streams along certain definite paths and to prevent the promiscuous movement of vehicles in what would otherwise be a widely extended way area.

**CHARLTON HIGHWAY DEPARTMENT** — The Town of Charlton's Highway Department.

**COMMERCIAL VEHICLE** — Any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise.

**CONTAINER** — Any drum, barrel, cylinder, bag, carboy or other shipping vessel (other than a tank vehicle) used for the transportation of dangerous articles.

**CROSSOVER** — An opening in a channelizing island that connects both sides of a divided way.

**CROSSWALK** — That portion of a way ordinarily included within the extensions of the sidewalk lines, or, if none then the footpath lines, and, at any place in a way, clearly indicated for pedestrian crossing by lines or markers upon the way surface.

**CURB MARKING** — That portion of a curbing which has been painted by the Charlton Highway Department or State Highway Department.

**DEPARTMENT** — The Town of Charlton Police Department unless otherwise specified.

**DIVIDED WAY** — A way with separated roadways for traffic in opposite directions.

**EMERGENCY VEHICLE** — Vehicles of the Fire Department (Fire Patrol), police vehicles and such ambulances and emergency vehicles of federal, state or municipal departments or public service corporations as are commonly recognized as such.

**EXPRESS STATE HIGHWAY** — A divided arterial highway of the Commonwealth for through traffic with full or partial control of access and generally with grade separations at intersections.

**HIGHWAY** — The entire width between property lines of any state highway or lawful through way designated by the MA Highway Department.

**HIGHWAY TRAFFIC SIGNALS** — Any power-operated traffic control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected

by the Department or in conformance with the Department's *Manual on Uniform Traffic Control Devices*.

**INTERSECTION** — The area embraced within the extensions of lateral curblines, or, if none, then the lateral boundary lines, of intersection or intersecting ways as defined in MGL c. 90, § 1, including divided ways. This bylaw shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined, subject to state law.

**LANE** — A longitudinal division of a way of sufficient width to accommodate the passage of a single line of vehicles, whether or not such lane is indicated by pavement markings or longitudinal construction joints.

**LIMITED-ACCESS HIGHWAY** — An express state highway with full control of access.

**MA HIGHWAY DEPARTMENT** — The Commonwealth of Massachusetts Department of Highways.

**OFFICER** — Any police officer or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**OFFICIAL SIGNS, SIGNALS, MARKINGS AND DEVICES** — All signs, signals, markings and devices installed or maintained by the Town in conformance with the MA Highway Department's *Manual on Uniform Traffic Control Devices* or with approval of said Department where required, or by the MA Highway Department itself.

**ONE-WAY WAYS OR STREETS** — Ways designated by the Town, with the approval of the MA Highway Department where required by law, or by the MA Highway Department itself, as one-way and upon which vehicular traffic may move only in the direction indicated by signs.

**PARKING** — The stopping or standing of a vehicle whether occupied or not, otherwise than temporarily, except that a vehicle shall not be deemed parked when stopped or standing for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic control signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

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

**POLICE DEPARTMENT** — The Town of Charlton Police Department unless otherwise indicated.

**SIDEWALK** — That portion of a way set aside for pedestrian travel.

**STOP SIGNAL** — A flashing red signal having the same function as a stop sign and erected by the Town in conformance with the Department's *Manual on Uniform Traffic Control Devices*, with the approval of the MA Highway Department where required by law, or by the MA Highway Department itself.

**STREET MARKING** — Any painted line, legend, marking or marker of any description painted or placed on any way by the Town, with the approval of the MA Highway Department where

required by law, or by the MA Highway Department itself, and which purports to direct or regulate traffic.

TOWN — Town of Charlton or its departments or agents unless otherwise specified.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles, street cars or other conveyances either singly or together while using any way for the purpose of travel.

TRAFFIC CONTROL SIGNAL — A traffic signal which, through its indications, alternately directs traffic to stop and permits it to proceed and which has been erected by the Town in conformance with the MA Highway Department's *Manual on Uniform Traffic Control Devices*, or with the approval of said Department if required by law.

TRAFFIC ISLAND — Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

TRAFFIC SIGNALS — Any power-operated traffic control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected by the MA Highway Department or in conformance with the Department's *Manual on Uniform Traffic Control Devices*, or with the approval of the MA Highway Department if required by law.

URBAN AREA or DOWNTOWN AREA — The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

U-TURN — The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a way, including bicycles when the provisions of this bylaw are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

WAY — That portion of a way between regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

[Editorial note: The above inclusion in this bylaw of the text of (as contrasted with references to) certain provisions of the Mass. General Laws and the Code of Mass. Regulations as they read as of the date of adoption hereof by Town Meeting is intended for informational purposes only, and any subsequent amendments to such statutory provisions, of which all persons as a matter of law are deemed to be on notice, shall apply, as shall any other, applicable law. Therefore, it is important that any person reading the bylaw also read the current version of such statutes in order to fully understand the applicable law.]

#### **§ 185-6. Exemptions, enforcement and fines.**

- A. Exemptions. The provisions of this bylaw shall not apply to persons acting in conformity with the direction of an officer, to persons or drivers actually engaged in work upon a way closed to travel or under construction or repair when the nature of their work necessitates a

departure from any part of the bylaw, to officers when engaged in the performance of public duties which necessitates a departure from any part of same, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure therefrom. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others, though the bylaw shall not be deemed to create any private cause of action by virtue of any such action or omission.

- B. Owner prima facie responsible for violations. If any vehicle is found upon any way in violation of any provision of this bylaw and orders and the identity of the driver cannot be determined, the owner or the person in whose name such a vehicle is registered shall be held prima facie responsible for such violations.
- C. Obedience to police. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer in regard to the direction, control or regulation of traffic. Any person acting in conformity with any such order or direction shall be relieved from the observance of any provision of this bylaw with which the order or direction may conflict.
- D. Obedience to signs, etc. No person shall disobey the instructions of any official sign, signal, marking or marker.
- E. Penalties. Unless otherwise specified herein or by the Mass. General Laws or state regulations promulgated thereunder, the penalty for any violation of this bylaw shall be a twenty-dollar (\$20) fine for each offense. In the event of any conflict between the section and the Mass. General Laws or state regulations, such laws and regulations shall control.
- F. Enforcing officers. This bylaw shall be enforced by any police officer.
- G. Enforcement. This bylaw shall be enforced exclusively pursuant to the provisions of Chapter 90C of the Massachusetts General Laws.

**§ 185-7. Selectmen rules and regulations; effect of bylaw.**

The Town of Charlton Board of Selectmen is hereby authorized to adopt such rules and regulations, so long as inconsistent with neither the Mass. General Laws nor this bylaw, as it deems necessary or advisable for the purpose of effectuating the provisions of this bylaw. Nothing in this bylaw shall derogate from the authority of such Board to make rules and orders pursuant to MGL c. 40, § 22, nor from any other authority vested in the Town or its boards, commissions, departments, officers, employees or agents by any other provision of law, the provisions hereof being intended to be in addition to all such rather than to in any way limit same.

**§ 185-8. Severability.**

The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts.