

# PARKING AND TRAFFIC REGULATIONS

## Article I

### 1.00: **Use of Streets Sidewalks, and Public Places**

These rules are adopted with the intent to promote the safe passage of vehicles and pedestrians along the public ways within the Town of Sunderland.

Each rule shall have force and effect separately and independent of every other insofar as by express reference or necessary implication, any rule or any part of a rule is made dependent upon another rule or part thereof.

### 1.01: **Definitions**

For the purpose of Article I 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 or more persons.

**Bus:** Every vehicle designed for carrying more than eight passengers and used primarily for the transportation of persons either for compensations, as a service, or as an adjunct to a school program.

**Bus Stop:** An area in a roadway set aside for the boarding of or alighting from buses.

**Chief of Police:** The appointed Police Chief of the Town of Sunderland, or, in his absence, the designated by such chief or acting Police of Chief of the Town of Sunderland, or, an designated by such chief or acting chief to act on their behalf.

**Commercial Vehicle:** Any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise.

**Construction Material:** Material including, but not limited to gravel, sand, stone, asphalt, loam, wire, utility poles, pipes, conduits, tree limbs, tree trunks, and mulch, dumpsters or any other material deemed to be construction material by the Chief of Police.

**Construction Vehicle:** Any vehicle and/or trailer, whether attached or unattached to any construction vehicle, used in conjunction with, and engaged in, the loading, unloading, excavating, grading or spreading of construction material; the trimming or cutting of trees along a roadway; installation, maintenance or

repair of driveways, sidewalks, asphalt, lighting, wires, cables equipment and conduits.

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

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

**Curb Marking:** That portion of a curbing, which has been painted by the Department.

**Department:** The Town of Sunderland, Highway Department.

**Emergency Vehicle:** Vehicles of the Fire Department, police vehicles and such ambulances and emergency vehicles of federal state or municipal departments or public service corporations as are commonly recognized as such.

**Flag Man:** Person or person(s), privately employed, who have received training in the direction of motor vehicles and pedestrian traffic upon ways, and who are equipped with such equipment as to adequately warn and direct such traffic.

**Intersection:** The area embraced within the extensions of lateral curb lines, or, if none, then the lateral boundary lines, of intersection ways as defined in M.G.L. C. 90, Section 1.

1.00 herein contained governing and restricting the movement of vehicles on public ways at and near intersecting ways 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.

**Lane:** A longitudinal division of a roadway 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.

**Officer:** Any Sunderland police officer, or any police 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 department.

**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 forthwith.

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

**Public Way:** The entire width between property lines of any town way or lawful thoroughway designated by the Town.

**Roadway:** That portion of a public way between regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

**Sidewalk:** That portion of a public way set aside for pedestrian travel.

**Street Marking:** Any painted line, legend, marking or marker of any description painted or placed on any public way by the Department and which purports to direct or regulate traffic.

**Tank Vehicle:** Any tank type motor vehicle with cargo tank, portable tank or bulky pyramided cylinders, used for the transportation of liquids or gases.

**Town:** Town of Sunderland

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

**Traffic Control Signal:** A roadway traffic signal which, through its indications, alternately directs traffic to stop and permits it to proceed and which has been erected by or is under the control of the Department.

**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 or is under control of the Department.

**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 highway, including bicycles, when the provisions of these rules 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,

## **1.02 Parking**

### **(1) Restricted Places**

No person shall stand or park any vehicle in any public way or roadway under control of the Town and no person or entity shall allow, permit, or suffer any vehicle registered in his or her name to stand or park in any public way or roadway under the control of the Town in violation of any rule, regulation, or bylaw and in particular in any of the following places except in compliance with the direction or supervision of an officer or official traffic control sign or signal:

- (A) Within an intersection.
- (B) Upon a sidewalk.
- (C) Upon a crosswalk.
- (D) Upon any roadway where parking or standing of a vehicle will obstruct the normal movement of traffic.
- (E) Upon any public way or roadway where the parking within ten (10) feet of a fire hydrant.
- (F) Upon any roadway within twenty (20) feet of an intersection.
- (G) Upon any public way or roadway in front of any private road or driveway, blocking or limiting access to such private road or driveway, without consent of the owner of such road or driveway.
- (H) Upon any public way or roadway where parking or standing of a vehicle will obstruct or hide from view any official traffic control sign or signal.
- (I) Upon any bridge under the control of the town.
- (J) Upon the roadway side ("double parking") of any vehicle stopped or parked at the edge or curb of the roadway.
- (K) Upon any roadway unless the right wheels of the vehicle are within twelve (12) inches of edge or curb of the roadway.
- (L) Upon any public way or roadway in such a manner as to impede or obstruct the removal or plowing of snow or ice.
- (M) Upon any public way, roadway, or part thereof, where the parking or standing of such vehicle has been prohibited by the board or officer in charge of such public way or roadway, provided that such public way, roadway, or portion thereof, has been marked or signed so as to acquaint a driver of such prohibition.
- (N) Upon a fire lane.

**(2) Emergency Repair:** No person shall park a vehicle in any public way except upon the shoulder for the purpose of changing a tire or making emergency

repairs, unless such vehicle is so damaged or disabled that it cannot be moved safely under its own power.

**(3) Exemptions:** The provisions of section 1.02: Parking, shall not apply to emergency vehicles, vehicles owned by the Town, and vehicles owned by the Commonwealth of Massachusetts.

### **1.03: Police May Prohibit Parking Temporarily**

The Chief of Police is hereby authorized to prohibit parking, temporarily, on any public way, roadway, or part thereof, in an impending or existing emergency, or for a lawful assemblage, demonstration, procession, provided there is reasonable justification for such prohibitions. Vehicles parked in places where parking is prohibited temporarily may be removed by or under the direction of a Sergeant or police officer of higher rank.

### **1.04: Towing**

**(1) Authorization of Police.** As authorized by the Chief of Police, police officers with the Sunderland Police Department, with such limitations as are, or may hereinafter set forth, to remove or cause to be removed to some convenient place any vehicle parked in violation of the provisions set forth in Section 1.02; Parking.

### **1.05: Construction Vehicles; Construction Materials; Construction in Public Ways**

**(1) Permit Required.** No person, unless he is the holder of a permit issued by the Board of Selectmen, and is acting in accordance with the terms and conditions of that permit, shall construct, reconstruct, install or repair anything that is on, over or under any public way. Nothing in this section shall be construed as to prohibit the Board of Selectmen from placing a moratorium on the breaking of any roadway surface or sidewalk.

**(2) Construction Vehicles.** Before undertaking any of the foregoing, including persons operating or working in conjunction with a construction vehicle or construction material that is on, over or under any public way, the person responsible for such work or in charge of those performing such work, shall review such work with the Chief of Police to determine whether or not such work will disrupt the normal flow of vehicular traffic or cause a safety hazard to pedestrian or vehicular traffic.

**(3) Duties of the Chief of Police.** The Chief of Police may, in his discretion, order that an officer or officers, as may be required and at no cost to the town, accompany construction vehicles engaged in work or construction materials placed on public ways, or men working on, over or under public ways, for the purpose of ensuring the safe passage of vehicles and pedestrians in such work

area or storage sites. Provided, however, that the Chief may waive the requirement to assign an officer if the owner, operator, or persons working in conjunction with construction vehicles, men, or temporarily depositing construction materials can demonstrate to the satisfaction of the Chief, that their activities will not cause an unnecessary impediment to the normal flow of traffic or be detrimental to the safety of vehicles or pedestrians.

The Chief may suspend such activities when, in his discretion, the activities violate 1.05, or cause an unnecessary impediment to the normal flow of traffic, or may be detrimental to the safety of vehicles or pedestrians.

#### **1.06: One-way Traffic**

**One-Way.** Upon those roadways designated for one-way traffic, and sign posted for the same, no driver shall proceed except in the direction indicated by such sign(s).

#### **1.07: Operation of Vehicles**

**(1) 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 shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

**(2) 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.

**(3) Overtaking Other Vehicles.** 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 speed or alter his course, except as provided in 1.07(5).

**(4) 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 speed or alter his course, except as provided in 1.07(5).

**(5) Vehicle Being Passed.** 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.

**(6) Obstructing Traffic**

(a) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any roadway. Officers are hereby authorized to require any driver who fails to comply with 1.07(6) to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

(b) 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 is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

**(7) 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 condition of the roadway.

**(8) Slow Vehicles to Stay 200 Feet Apart.** Upon roadways less than 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 a business or residential district shall not follow another slow-moving commercial vehicle within 200 feet, but this shall not be construed to prevent such slow-moving commercial from overtaking and passing another slow-moving commercial vehicle. 1.07(8) shall not apply to funerals or other lawful processions.

**(9) Care in Starting, Stopping, Turning or Backing.** 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.

**(10) Obedience to Traffic Control Signals.** Colors and arrow indications in traffic control signals shall have the commands ascribed to them in 1.06(10), and no other meanings, and every driver of a vehicle 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 1.07(24)(b).

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.

(a) 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 making a right or left turn shall yield the right of way to pedestrians crossing with the flow or traffic.

(b) 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 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.

(c) 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 immediately thereafter when vehicular traffic shall not enter the intersection.

(d) Right and Left Yellow Arrow. 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.

(e) Red. While the red lens is illuminated, drivers facing the signal 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.

(f) 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 signal 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.

(g) Flashing Red (Stop Signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

#### **(11) Lane-Direction-Control Signals**

(a) When lane-direction-control signals are placed over the individual lanes of a street or roadway, 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.

(b) Meaning of Indications. Lane direction control signal indications shall have the following meanings:

1. Downward-pointing illuminated green arrow. A driver may operate a vehicle in the lane over which the arrow signal is located and illuminated.
2. Red illuminated symbol "X". A driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.
3. Steady Yellow illuminated symbol "X". A driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.
4. Flashing yellow illuminated symbol "X". A driver is permitted to use a lane over which the signal is located for a left turn. The driver is cautioned that he may be sharing that lane with opposite flow-left-turn vehicles.

**(12) Lane Control Signals.** When Traffic Control Signals are located and operated over or adjacent to the individual lanes of a street or roadway with an area designated as 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 roadway designated by Official Traffic Signs installed not less than 1000 feet in advance of Lane Traffic Control Signal installations.

**(13) Obedience to Isolated Stop Signs.** Except when directed to proceed by a police officer, authorized constable or flagman, 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. 1.07(3) 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 1.07(24)(c).

**(14) Obedience to "Yield" Signs.** Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "Yield", said sign having been erected in accordance with the written approval of the Department and such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between 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. 1.07(14) shall not apply when the traffic is otherwise directed by an officer or by lawful traffic regulating sign, signal or device or as provided in 1.07 (24)(c).

**(15) Sound Horn When Necessary.** The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to insure safe operation.

**(16) Keep to the Right of Roadway Division.** Upon such public ways and roadways as are divided by a parkway, grass plot, reservation, viaduct, or by any structure or areas, drivers shall keep to the right of such division and shall not cross such parkway, grass plot or reservation only at a crossover. In the case of a roadway which has no crossovers, access to the adjoining roadway shall be gained only by the proper use under or overpasses and ramps. The foregoing provisions shall not apply when drivers are otherwise directed by an officer, authorized constable or flagman, or official signs, signals or markings.

**(17) Driving on Road Surface Under Construction or Repair.** No Operator shall enter upon the road surface of any roadway 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 is not to be used, or when so advised by an officer, authorized constable, flagman, watchman, member of a highway department crew or employee of the Department, either audibly or by signals.

**(18) No Driving on Sidewalks.** The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

**(19) Emerging from Alley or Private Driveway.** The driver of a vehicle emerging from a private road, parking lot, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such private road, parking lot, 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 roadway shall yield the right of way to vehicles approaching on the roadway.

**(20) Certain Turns Prohibited.** The driver of a vehicle or other conveyance shall not make a turn from the way in which is driving into another way or driveway, at any point in the roadway, where such a movement is prohibited by signs.

**(21) 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.

**(22) Rights and Duties of Drivers in Funerals or Other Processions.**

(a) 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 practicable and safe.

(b) 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.

(c) 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.

**(23) Men and Equipment in Roadway.** Whenever traffic signs are erected or warning lights are displayed in or adjacent to a roadway to notify of the presence of men and equipment, in such roadway every motorist shall regulate the speed of his vehicle in a manner and to a degree consistent with the particular condition.

**(24) 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.

**(25) Vehicle Operation at Crosswalks.**

(a) When traffic control signals are not in place or not in operation the driver of a vehicle, shall include bicycles, shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the roadway to within five feet of that half of the roadway upon which the vehicle is traveling.

(b) Subject to the provisions of M.G.L. C. 89, Section 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 is operating notwithstanding any traffic control signal indication to proceed.

**(26) Operators to Exercise Due Care.** The provisions of 1.07 shall in no way abrogate the provisions of M.G.L. C.90, Sections 14 and 14A which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways". Furthermore, notwithstanding the provisions of 1.00 every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

### **1.08 Exemptions and Penalties**

**(1) Exemptions.** The provisions of 1.07 shall not apply to persons acting in conformity with the direction of an officer or, to persons or drivers actually engaged in work upon a roadway closed to travel or under construction or repair, provided, however such work is in accordance with 1.04, when the nature of their work necessitates a departure from any part of 1.00, to officers when engaged in the performance of public duties which necessitates a departure from any part of 1.00, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of 1.00, or to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of 1.00. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

**(2) Owner Prima Facie Responsible for Violations.** If any vehicle is found upon any roadway in violation of any provision of 1.00 et seq. 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.

**(3) Obedience to Police.** No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer, authorized constable or flagman, in regard to the direction, control or regulation of traffic. Any person acting in conformity with such order or direction shall be relieved from the observance of any provision of 1.00 et. Seq. with which the order or direction may conflict.

**(4) Obedience to Signs, etc.** No person shall disobey the instruction of any official sign, signal, marking or marker.

**(5) Penalties.** A violation of provisions 1.02 or 1.03 will be enforced by non-criminal disposition. The Board of Selectmen, pursuant to said statute, shall from

time to time, establish by rule or regulation a schedule of fines for violations subject to this by-law. Police Officers or other persons so authorized by the Board of Selectmen may enforce said parking regulations.

Fines: \$25.00 upon issuance, if paid with 21 days.

\$35.00 if paid thereafter but before clerk reports to the registrar.

\$50.00 if paid thereafter.

Any person in violation of any provision of 1.05 shall be fined fifty dollars for each offense.