

# **Proposed bylaws of the Town of West Boylston**

## **ARTICLE XXXVI**

### **TRAFFIC**

§ 1.	Definitions	2
§ 2.	Approval of Massachusetts Highway Department	4
§ 3.	Penalties	5
§ 4.	Push Carts and Riding Animals	5
§ 5.	Sleds and Roller Skates	5
§ 6.	Exemptions from Traffic Ordinances	5
§ 7.	Experimental Regulations	5

### **OPERATION OF VEHICLES**

§ 8.	Clinging to Moving Vehicles	6
§ 9.	Riding on Vehicle Prohibited	6
§ 10.	Vehicle Weight Exclusions	6
§ 11.	Restricting Collection and Deliveries	7
§ 12.	Keep to the Right of Roadway Division	7
§ 13.	Overtaking Other Vehicles	7
§ 14.	Sound Horn When Necessary	7
§ 15.	Obstructing Intersection or Crosswalk	7
§ 16.	Following Too Closely	8
§ 17.	Care in Starting, Stopping, Turning or Backing	8
§ 18.	Underpasses or Overpasses and Intersections with Islands	8
§ 19.	Driving on Roads Under Construction	9
§ 20.	Driving on Sidewalks	9
§ 21.	Emerging from Alley, Private Driveway, or Building	9
§ 22.	Opening Vehicle Doors	9
§ 23.	Funeral Processions	9
§ 24.	Permits for Parades	10
§ 25.	Obedience to Traffic Signs and Signals	10
§ 26.	Obedience to Stop Signs	10
§ 27.	Obedience to Yield Signs	10

### **TRAFFIC SIGNS, SIGNALS, MARKINGS, AND DEVICES**

§ 28.	Traffic Control Signal Legend	11
§ 29.	Display of Unauthorized Signs, Signals and Markings	12
§ 30.	Interference with Signs, Signals and Markings	13

## **CIRCULATION REGULATIONS**

§ 31.	Passenger Curb Loading Zone	13
§ 32.	Commercial Curb Loading Zone	13
§ 33.	Obstructing Travel by Stopping Vehicle	13
§ 34.	Prohibited Left Turns	13
§ 36.	Prohibited Right Turns	14
§ 37.	Right Turn Only	14
§ 38.	“U” Turns	14

## **SPEED REGULATIONS**

§ 39.	Speed Regulations	14
-------	-------------------	----

## **PEDESTRIAN CONTROL REGULATIONS**

§ 40.	Crossing Ways or Roadways	15
§ 41.	Actuation of Traffic Control Signals	15
§ 42.	Obedience to Traffic Control Signals	15
§ 43.	Operators to Exercise Due Care	16
§ 44.	Exemptions	16

### **§ 1. Definitions**

(a) For the purpose of this chapter, 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 stop” - an area adjacent to the edge of a roadway reserved and designated for the boarding of or alighting from buses.

“commercial loading zone” - space adjacent to the edge of a roadway reserved and designated for the exclusive use of commercial vehicles during the loading or unloading of freight.

“commercial vehicle” - any vehicle designed, maintained or used in the transportation of goods, wares, or merchandise for commercial purposes, which is registered with the Registry of Motor Vehicles as a commercial vehicle.

“crosswalk” - that portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

“driveway - a private way connecting a house, garage or other building or area requiring a vehicular access with the street and designated by a proper curb cut having a Street Access Permit approved by the Board of Selectmen under Article XII, Section 8 of these Bylaws.

"emergency vehicle" - vehicles of the fire department or police department or ambulances and emergency vehicles of federal, state and municipal departments.

"intersection" - the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more streets which join one another or the area within which vehicles traveling upon different streets joining at an angle may come in conflict

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

"officer" - any member of the West Boylston Police Department, provided such officer is in uniform or presents his/her badge of office, or any other officer authorized to direct or regulate traffic or to make arrests for the violation of traffic regulations.

"official traffic control devices" - all signs, signals, markings, and devices conforming to the standards as prescribed by the Massachusetts Highway Department consistent with these bylaws placed or erected by the authority of a public body or official having jurisdiction, for the purpose of regulating, directing, warning, or guiding traffic.

"passenger zone" - a place adjacent to the edge of a roadway reserved and designated for the exclusive use of vehicles during the loading or unloading of passengers.

"pedestrian" - any person afoot or riding on a conveyance moved by human power, except bicycles.

“roadway" - that portion of a street or highway between designated curb lines or that part improved and intended to be used for vehicular traffic.

"rotary traffic" - counterclockwise operation of vehicles around an object or structure.

"sidewalk" - that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, set aside for the use of pedestrians.

"standing" - the non-temporary stopping of a vehicle, whether occupied or not, except that a vehicle shall not be deemed to be standing when it is stopping for the purpose of and while actually engaged in receiving or discharging passengers or in compliance with the instructions of a police officer, traffic control sign or signal, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle..

"street or highway" - the entire width between property lines of every way open to the use of the public for the purpose of travel.

"taxicab stand" - a space adjacent to the edge of a roadway where taxicabs are required to park while waiting to be hired.

"thickly settled district" - the territory contiguous to any way which is built up with business structures or dwelling houses whose location will average less than two hundred (200) feet between them for a distance of a quarter of a mile or more.

"through-way" - any way within the town's jurisdiction where vehicular traffic from intersecting streets or highways is required to stop before entering or crossing.

"traffic" - pedestrians, ridden or herded animals, vehicles or other conveyances individually or collectively using any street or highway for the purpose of travel.

"traffic island" - an area or space set aside within a roadway, which is not intended for use by vehicular traffic.

"u turn" - the turning of a vehicle by means of a continuous turn whereby the direction of such vehicle is reversed.

"vehicle" - a device in, upon or by which any person or property is or may be transported, or used on a street or highway, including bicycles, when the provisions of these bylaws are applicable to them.

## **§ 2. Approval of Massachusetts Highway Department**

The town shall submit for the approval of the Massachusetts Highway Department all amendments to this Article which may require the approval of the Massachusetts Highway Department. The town shall duly retain such amendments and they shall be open to public inspection and published at least once in a local newspaper.

## **§ 3. Penalties**

(a) Any person violating a subsection of this Article shall be punished by a fine according to the following schedule:

- |    |   |          |
|----|---|----------|
| a. | first offense in any 12 month period                    | \$ 60.00 |
| b. | second offense in any 12 month period                   | \$ 90.00 |
| c. | third and any subsequent offense in any 12 month period | \$120.00 |

(b) Unless a different penalty is expressly stated in this Article or other parts of the bylaws.

## **§ 4. Push Carts and Riding Animals**

Every person propelling any push cart, riding an animal upon a roadway, or driving an animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their nature can have no application.

## **§ 5. Sleds and Roller Skates**

No person upon roller skates or riding in or by means of any sled, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall apply to any street or roadway open to public use as such unless the same is closed by issuance of a permit from the director of public works and under such restrictions the Board of Selectmen shall prescribe.

## **§ 6. Exemptions from Traffic Bylaws**

The provisions of this chapter shall not apply to operators, lawfully upon or actually engaged in work upon a street or highway closed to travel or under construction or repair or to officers when engaged in the performance of public duties, or to operators of emergency vehicles while operating in an emergency and in performance of public duties, when the nature of the work of any of these activities necessitates a departure from any part of this chapter. These exemptions shall not, however, exempt the operator of any vehicles from the consequences of his/her actions.

## **§ 7. Temporary Regulations**

For the purposes of experiment, the Board of Selectmen may promulgate temporary traffic rules regulating traffic for a period not exceeding ninety (90) days for the purpose of studying the effect of such traffic regulations under actual conditions, notwithstanding that such temporary regulations may be inconsistent with the provisions of this chapter. No such temporary regulation shall be in force unless such regulations have been duly published in accordance with law and official signs, signals, markings or other devices are displayed.

# **OPERATION OF VEHICLES**

## **§ 8. Clinging to Moving Vehicles**

No person traveling upon a sled, roller skates, coaster, bicycle or any toy vehicle or mechanism shall cling to, or attach himself or herself to any other moving vehicle upon any roadway.

## **§ 9. Riding on or in Vehicle Prohibited**

(a) No person shall ride on or in any portion of a motor vehicle not designated or intended for the use of passengers.

(b) No person shall board or alight from a vehicle while it is in motion.

## **§ 10. Vehicle Weight Exclusion**

(a) When official signs are posted specifying weight exclusion for vehicles, no commercial vehicle exceeding the posted authorized carrying capacity shall be permitted upon such posted streets.

(b) An exception to Section 10(a) is made for the delivery and pickup of materials to and from premises abutting upon posted streets which specify weight exclusions or to adjacent streets which cannot be reached by other public ways. This section shall not apply to emergency vehicles as herein defined, or to buses.

(c) Any person violating this section shall be punished by a fine of one hundred dollars (\$100.00).

## **§ 11. Restricting Collection and Deliveries**

When official signs are erected giving notice thereof, there shall be no collection or delivery of goods or materials of any kind between the hours posted on streets or parts of streets except in an emergency, and then only as authorized by the Chief of Police covering one day's delivery or collection.

## **§ 12. Keep to the Right of Roadway Division**

On roadways which are divided by a parkway, grass plot, reservation, viaduct, or by any structure or area, operators shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings.

## **§ 13. Overtaking Other Vehicles**

The operator of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless traffic markings allow such passage and 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 and without causing the operator of any such vehicle to change speed or alter course, except as provided in G.L. c. 89, § 2.

## **§ 14. Sound Horn When Necessary**

The operator of a vehicle shall give an audible warning with his or her horn or other suitable warning device whenever necessary to ensure safe operation of a vehicle.

## **§ 15. Obstructing Intersection or Crosswalk**

No operator 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 that he or she is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indication to proceed.

## **§ 16. Following too Closely**

The operator of a vehicle shall not follow another vehicle so 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.

## **§ 17. Care in Starting, Stopping, Turning or Backing**

Before starting, stopping, turning from a direct line, or backing up, the operator of any vehicle shall first see that such movement can be made safely. If the operation of another vehicle could be affected by a stopping or turning movement, the operator of such vehicle shall be given a plainly visible signal.

## **§ 18. Operation at Underpasses or Overpasses and at Intersections with Islands**

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

## **§ 19. Driving on Roads Under Construction**

(a.) No operator shall cause a vehicle to enter any street or highway 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 street or highway is not to be use or when so advised by an officer either audibly or by signals.

(b) Whenever traffic signs or warning lights are erected or warning lights are displayed in or adjacent to a street or highway to notify the presence of personnel and equipment in such street, every operator of a vehicle shall regulate the speed of his vehicle a degree consistent with the particular condition to ensure public safety.

## **§ 20. Driving on Sidewalks**

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

## **§ 21. Emerging from Alley, Private Driveway, or Building**

The operator of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to entering the roadway or the sidewalk extending across such alley or driveway and shall yield the right of way to any pedestrian as may be necessary to avoid collision. Upon entering the roadway the operator of a vehicle shall yield the right of way to all vehicles approaching upon the roadway.

## **§ 22. Opening Vehicle Doors**

No person shall open the door of a vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so. No person shall leave a vehicle door open on the side of the vehicle adjacent to moving traffic for longer than necessary to load and unload passengers.

## **§ 23. Funeral Processions**

(a) All vehicles in a funeral procession shall turn their headlights and taillights on while driving in the procession.

(b) All vehicle operators included in a funeral procession shall keep as near to the right edge of the roadway as is safe and feasible and follow the vehicle in front of it, as practicable.

(c) The operator of the first vehicle in a funeral procession shall be the only one governed by the traffic signal indication or the stop or yield sign at an intersection where there is a stop sign, yield sign or red light traffic control signal.

## **§ 24. Permits for Parades**

No person, group of persons or group of vehicles shall march or parade upon any street or part thereof except under a permit of the Chief of Police designating the route of such parade. There shall be no deviation from the route designated by the Chief of Police and such other requirements as are set forth herein. This section shall not apply to § 23 of this chapter, the police and fire departments of the town, nor to the units described in G.L. c. 33, § 50, dealing with the military and naval forces of the United States, or veterans and affiliated organizations.

## **§ 25. Obedience to Traffic Signs and Signals**

The operator of any vehicle or bicycle shall obey the instructions of any official traffic control sign, signal, device, marking or legend, unless otherwise directed by a police officer in the performance of his or her duty. Every such operator shall comply with the order, signal or direction of a police officer notwithstanding any bylaw in this Article to the contrary.

## **§ 26. Obedience to Stop Signs**

(a) In accordance with the provisions of G.L. c. 89, § 9, every operator of a vehicle



approaching an intersection of ways where there exists facing him an official “stop” sign, or an official flashing red signal indication, shall bring his or her vehicle to a complete stop at such point as may be marked by a sign or line; or if a point is not so marked, before entering the crosswalk. If there is no such crosswalk, then the complete stop shall be made at the point closest to the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering the intersection.

(b) This section shall not apply when the traffic is otherwise directed by a police officer or traffic control signals, or as provided in § 25 of this chapter.

## **§ 27. Obedience to Yield Signs**

(a) Every operator of a vehicle approaching an intersection of ways where there exists facing him or her an official "yield" sign, shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, 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 slowing or stopping, 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 such driver is moving across or within the intersection or junction of roadways.

(b) This section shall not apply when the traffic is otherwise directed by a police officer or traffic control signal, or as provided in § 25 of this chapter .

## **TRAFFIC SIGNS, SIGNALS, MARKINGS AND DEVICES**

### **§ 28. Traffic Control Signal Legend**

(a) Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section and no other meanings; and every operator of a vehicle shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign, or except as provided in § 25 of this chapter.

(b) An operator of a vehicle shall not 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.

(c) While the green lens is illuminated, operators 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 signal is exhibited. Operators of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic.

(d) As applicable, when a right green arrow is illuminated, operators facing the signal may turn right. When a left green arrow is illuminated, operators facing the signal may turn left. When a vertical green arrow is illuminated, operators facing the signal may go straight ahead. When a green arrow is exhibited together with a red or a yellow lens, operators may enter the intersection

to make the movement permitted by the arrow, but shall yield the right of way to vehicles and pedestrians proceeding from another direction on a green indication.

(e) While the yellow lens is illuminated, waiting operators shall not proceed and any operator approaching the intersection or a marked stop line shall stop unless the operator is so close to the intersection that a stop cannot be made safely. If a green arrow is illuminated at the same time, operators may enter the intersection to make the movement permitted by such arrow.

(f)(1) Traffic facing a steady red signal shall stop at a clearly marked stop line. If there is no light, traffic shall stop before entering the crosswalk on the near side of the intersection or if there is no crosswalk, then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by G.L. c. 89, §8.

(f)(2) No driver of a vehicle facing a red signal indication shall make a right turn, or a left turn from a one-way street into another one-way street, where official traffic signs are installed and maintained prohibiting such a turn.

(g) While the red and yellow lenses' are illuminated together, operators shall not enter the intersection. During such time the intersection shall be reserved for the exclusive use of pedestrians.

(h) A flashing red lens shall indicate the intersections at which an operator is required by law to stop before entering.

(i) A flashing yellow lens shall indicate the presence of a hazard and operators may only proceed with caution.

(j) A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Operators may proceed only with caution and shall be prepared to comply with a change in the signal to a yellow and red indication.

## **§ 29. Display of Unauthorized Signs, Signals and Markings**

No person shall place, maintain, or display upon or in view of any street any unofficial sign, signal, device or marking which purports to be or is an imitation of or resembles an official traffic sign, signal, device or marking, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is authorized to remove every such prohibited sign signal, device or marking or cause it to be removed without notice and he shall receive the cooperation of the Department of Public Works of the town in the performance of this duty.

## **§ 30. Interference with Signs, Signals and Markings**

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal, device or marking shall be liable to a penalty not exceeding one hundred (\$100.00) dollars for each offense.

### **§ 31. Passenger Curb Loading Zone**

When official signs are posted giving notice thereof, no person shall stop, stand or park any vehicle at any curb adjacent to the entrance of a building housing twelve (12) or more apartments, bank, church, hotel, railroad station, public building or any place of public assemblage, except for the purpose of picking up or dropping off passengers. Such entrance shall be designated as a passenger zone by the Board of Selectmen. The Board of Selectmen may remove such signs if it no longer designates a building of such specified use.

### **§ 32. Commercial Curb Loading Zone**

When official signs are posted giving notice thereof, no person shall stop, stand or park any commercial vehicle at any curb designated as a commercial loading zone for any purpose or for any length of time other than for the expeditious unloading, delivery or pick up and loading of material not to exceed thirty (30) minutes during applicable loading zone hours. Such a zone shall be designated by the Board of Selectmen.

### **§ 33. Obstructing Travel by Stopping Vehicle**

No person shall stop any vehicle on any street in such a manner as to hinder or obstruct public travel.

## **CIRCULATION RESTRICTIONS**

### **§ 34. Prohibited Left Turns**

The operator of any vehicle or other conveyance shall not make a left turn from one street into another at the street intersections when official signs are erected giving notice thereof.

### **§ 35. Turning Movements**

(a) Where official traffic control devices are erected directing specific traffic to use a designated lane or designating lanes to be used by traffic moving in a particular direction regardless of the center of the roadway or to prohibit a turn or to make a required turn at an intersection of roadways, drivers of vehicles shall obey the direction of every device.

### **§ 36. Prohibited Right Turns**

The operator of a vehicle or other conveyance shall not make a right turn from one street into another when official signs are posted giving notice thereof.

### **§ 37. Right Turn Only**

The operator of a vehicle shall make a right turn only when proceeding in the direction indicated when official signs are erected giving notice thereof.

### **§ 38. "U" Turns**

(a) The operator of any vehicle shall not make a "U" turn unless such movement can be made safely and without interfering with other traffic.

(b) The operator of a vehicle shall not make a "U" turn when official signs are erected giving notice thereof.

## **SPEED REGULATIONS**

### **§ 39. Speed Regulations**

(a) No person shall operate a vehicle in excess of the posted speed limits.

(b) No person shall operate a vehicle at a speed greater than reasonable and prudent with regard to traffic and the use of the way and the safety of the public. When no speed limit signs are erected, vehicles shall not exceed thirty (30) miles per hour in a thickly settled district and shall not exceed forty (40) miles per hour in a non-thickly settled district.

(c) No vehicle shall exceed twenty (20) miles per hour in a posted school zone.

## **PEDESTRIAN CONTROL REGULATIONS**

### **§ 40. Crossing Ways or Roadways**

(a) Pedestrians shall obey the directions of officers directing traffic. Whenever there is an officer directing traffic, or whenever there is a traffic control signal within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except at such controlled location. Pedestrian crossings shall be made within the limits of marked crosswalk and as hereinafter provided.

(b) It shall be unlawful for any person to activate a pedestrian control signal or enter a crosswalk unless the person intends to cross the roadway.

### **§ 41. Activation of Traffic Control Signals**

(a) At a traffic control signal location where pedestrian indications are provided but which are shown only upon activation by a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been activated and the pedestrian shall then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication for such crossing. If necessary, the green indication shall be activated by the pedestrian by means

of a push button.

(b) At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or an authorized emergency vehicle in its performance of emergency duties regardless of the signal indication given. Pedestrians shall not attempt to cross the roadway until such emergency vehicles or funeral procession has passed, at which time pedestrians shall then cross the roadway only as provided herein.

## **§ 42. Obedience to Traffic Control Signals**

Traffic control signal color indications and legends shall have the commands ascribed to them in this section and not other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.

(a) Red and yellow or the word "walk" - Whenever the red and yellow lenses are illuminated together or the single word "walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signals only.

(b) Red alone, "wait" or "don't walk" - At locations where pedestrian indications are provided, whenever the words "wait" or "don't walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal but any pedestrian who has partially completed his or her crossing on the walk indication shall either proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication, the "wait" indication or when the words "don't walk" are illuminated by rapid intermittent flashes.

(c) Green alone -At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication while exercising caution.

(d) Yellow alone, red alone, "wait" or flashing "don't walk" - Pedestrians approaching or facing yellow, red, "wait" or flashing "don't walk" illuminated indications shall not start to cross a roadway.

(e) Flashing red, flashing yellow or flashing green - At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall activate, where provided, the pedestrian indication signal indication, and cross the roadway only on the red-yellow or "walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

## **§ 43. Operators to Exercise Due Care**

(a) The provisions of these ordinances shall in no way abrogate the provisions of G.L. c. 90, §§14 and 14A. In the event of a conflict between these bylaws and the general laws, the provisions of the general laws shall control.

(b) Notwithstanding the provisions of these bylaws, 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. Each vehicle operator shall exercise proper precautions which may become necessary for safe operation.

#### **§ 44. Exemptions**

The provisions of these bylaws governing the use of ways by pedestrians shall not apply to pedestrians engaged in work upon a roadway closed to travel or under construction or repair, by municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties, or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these bylaws.

355067.4/WBOY/0001