

**Chapter 147**

**STREETS AND SIDEWALKS**

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**[HISTORY: Art. I adopted as Art. 15, Sections 3, 4, 5 and 6, of the revised bylaws of Halifax; Art. II adopted as Art. 16 of the revised bylaws of Halifax; Art. III adopted as Art. 18, Section 5, of the revised bylaws of Halifax; Art. IV adopted 5-8-1995 ATM, Art. 19. Amendments noted where applicable.]**

GENERAL REFERENCES

Traffic rules and orders – See Ch. 193.

Subdivision of land – See Ch. 235.

ARTICLE I  
**Miscellaneous Provisions**  
**[Adopted as Art. 15, Sections 3, 4, 5 and 6,**  
**of the revised bylaws of Halifax]**

§ 147-1. **Obstruction of public ways.**

- A. No person having any vehicle under his care or control shall permit the same or the animal or animals attached thereto, if any, to stand on or across any public way in such a manner as to obstruct the same for any unnecessary length of time. No person shall stop with any vehicle in any public way so near another vehicle as to obstruct travel or upon or across any foot crossing or so as to obstruct any private driveway.
  
- B. No person or persons shall place or cause to be placed snow, ice, water, dirt, soil or other debris upon a public way or sidewalk so as to endanger, hinder or obstruct travel upon a public way or sidewalk unless the Board of Selectmen or the Highway Surveyor permit the same in an emergency. Whoever violates any provisions of this subsection shall be liable for the costs of cleanup or repairs and shall pay a fine as determined by other sections of the town bylaws. **[Added 5-13-1996 ATM, Art. 49]**

**§ 147-2. Leaving of vehicles on streets and public places; violations and penalties. [Amended 5-19-1981 ATM, Art. 25; 5-13-1991 ATM, Art. 31]**

- A. No person shall leave any vehicle overnight on a street or public place or allow the same to remain after notice from a police officer or Selectman to remove the same. Notwithstanding the above, in any emergency situation, notice to remove vehicles or obstructions from public ways may be given at any time.
- B. Violators will be subject to a fine of not less than fifteen dollars (\$15.)

**§ 147-3. Distance from fire hydrants required.**

No person shall park any automobile or vehicle within fifteen (15) feet of a fire hydrant.

**§ 147-4. Driving over fire hose.**

No person shall drive any vehicle upon or over a fire hose while the same is laid by public authority for use in any street or public place, unless directed to upon permission of the one in authority.

**§ 147-5. Surfacing of private driveways. [Added 3-6-1967 ATM, Art. 29]**

Any person desiring to surface a private driveway which will extend from the private property line to any public way shall obtain approval for proper grading and drainage from the Town Highway Surveyor.

**§ 147-6. Temporary repairs on private ways. [Added 5-8-1978 STM, Art. 17]**

The town may make temporary repairs on private ways, or take any other action in relation thereon, as follows:

- A. Grading shall be limited to not more than two (2) times annually.
- B. Drainage shall not be included.
- C. Said repairs shall be determined by the Highway Surveyor, with the approval of the Board of Selectmen, to be required by public necessity.
- D. No petition by abutters shall be required for such repairs.
- E. No betterment charges shall be assessed, and no cash deposit shall be required.
- F. The town shall not be liable in any manner whatsoever on account of any damages caused by such repairs.

- G. Such repairs shall be performed only on ways which have been open to public use for six (6) years.

ARTICLE II  
**Street Acceptance**  
**[Adopted as Art. 16 of the revised bylaws of Halifax]**

**§ 147-7. Petition to be submitted. [Amended 3-5-1973 ATM, Art. 31]**

Any person or persons desirous for the opening of private ways for public use shall submit a petition to the Selectmen stating the names and locations of said ways and bearing the signature of the interested persons as abutting property owners, or the Selectmen may, on their own initiative, vote to accept, purchase or take private ways for public use in accordance with and in compliance with §§ 147-8 through 147-13 or the town bylaws inclusive.

**§ 147-8. Drawings to accompany petition. [Amended 3-2-1970 ATM, Art. 48; Amended 5-9-2016, Art. 38]**

Two (2) Mylar copies of the proposed layout, including a plan and profile of said streets, drawn to the existing specifications of the Planning Board in effect at the time of submission, shall accompany the petition and shall be submitted before November 1 preceding the Annual Town Meeting.

**§ 147-9. Preliminary hearing; Selectmen to view premises.**

Upon receipt of the petition and plans, the Selectmen shall, as soon as possible, hold a preliminary hearing. The Selectmen must view the premises before the hearing to determine the locus.

**§ 147-10. Disapproval upon lack of interest.**

If in the opinion of the Selectmen, as a result of the preliminary hearing, not enough interest is shown, then the Selectmen have the authority to disapprove any further action.

**§ 147-11. Inclusion on warrant; public hearing; filing of plans; notice; damages. [Amended 5-9-2016, Art. 38; Amended 5-8-2017, Art. 47]**

- A. If in the opinion of the Selectmen, as a result of the preliminary hearing, enough interest is shown, the Selectmen shall insert an Article in the warrant for the next Annual Town Meeting for the acceptance of said streets.
- B. The Selectmen shall give a public hearing thereon not less than thirty (30) days before the next Annual Town Meeting. They shall give notice of the same by publication once in each of two (2) successive weeks in a newspaper whose circulation is widely read in the town, the last publication to be at least seven (7) days

before the date of said public hearing. The petitioners under Chapter 147-7 shall pay for the cost of the notice.

- C. One (1) Mylar copy of the plans of the proposed layout shall be filed with the Town Clerk not less than seven (7) days before the public hearing.
- D. The petitioners shall bring to the public hearing receipts of registered or certified mail showing that notice has been sent to all abutters on the way or ways in question of the date of the public hearing, said abutters' names to be taken from the most recent tax list.
- E. The Selectmen shall determine the amount of damages to be awarded to any or all abutters.

**§ 147-12. Procedure upon acceptance. [Amended 5-9-2016, Art. 38]**

- A. If street acceptance is voted, the Selectmen shall write an order of taking, the description of which shall be taken from the plan or any portion of said plan, voted at the Town Meeting.
- B. The order of taking and one (1) Mylar copy of each plan bearing the signature of the Town Clerk shall be filed at the Plymouth County Registry of Deeds within thirty (30) days after the Town Meeting.
- C. In all such cases the requirement of MGL C.41, § 74, with respect to notice and public hearing must be complied with.

**§ 147-13. Waiver of certain requirements. [Added 3-6-1967 ATM, Art. 27]**

Compliance with §§ 147-8, 147-11C and 147-12B may be waived by the Selectmen as a requisite for acceptance of any way that has been approved under the Subdivision Control Law.<sup>1</sup>

**ARTICLE III**

**Excavations**

**[Adopted as Art. 18, Section 5,  
of the revised bylaws of Halifax]**

**§ 147-14. Permit required.**

- A. No person shall break the surface of or dig up any sidewalk or other part of a public way or place thereon any staging or other temporary structure or move any building in or along the same without a written permit from the Board of Selectmen.

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<sup>1</sup> Editor's Note: See Ch. 235, Subdivision of Land.

**§ 147-15. When permit in force; conditions; indemnification of town.**

Any permit issued therefore shall be in force for such time only as the Board may specify and shall be subject to such conditions as it may prescribe and in every case shall be upon the condition that, during the whole of every night from sunset, lighted lanterns and proper barriers shall be placed so as to secure travellers from danger and upon the further condition that the permittee shall indemnify the town against the claims of all persons who may be injured in their persons or property by reason of the exercise of the privileges conferred by the permit.

**§ 147-16. Permit for moving buildings.**

Permits for moving buildings along the public ways shall be issued only after the applicant has secured from the Building Inspector the permit required under the provisions of the building bylaws.

ARTICLE IV  
**Direction of Traffic<sup>2</sup>**  
**[Adopted 5-8-1995 ATM, Art. 19]**

**§ 147-17. Definitions.**

As used in this Article, the following words shall, unless the context requires otherwise, have the following meanings:

COMPANY - Any natural person, business, partnership, corporation or other organization, entity or group of individuals including public service corporations, cable companies and other utility companies licensed to do business in the Commonwealth of Massachusetts.

FLAGGERS - Any natural person, business, partnership or municipality, the individuals of which are recognized as traffic control devices, as defined in the MUTCD, and trained in the control of traffic and work zone safety, as defined in the MUTCD.

MUTCD - The Manual of Uniform Traffic Control Devices, as published and amended by the United States Department of Transportation and Federal Highway Administration.

STREET - Any public way, town way, private way or way to which the public has the right of access in the Town of Halifax.

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<sup>2</sup> **Editor's Note: See also § 193-2, Duty to Enforce; direction of traffic.**

**§ 147-18. Use of flaggers.**

Notwithstanding any provisions of any rule, regulation, order or bylaw to the contrary, any company authorized to construct, maintain or make repairs in, over or under any street including construction, repairs or maintenance to utilities along, under or through such streets may employ flaggers to direct and control traffic around such construction or maintenance site so long as such will not impact or otherwise compromise public safety.