

## Chapter 180

### STREETS AND SIDEWALKS

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

#### GENERAL REFERENCES

Driveways — See Ch. 125.  
Zoning — See Ch. 200.  
Subdivision of land — See Ch. 210.

#### ARTICLE I

##### **Moving of Buildings; Obstructions; Pasturing Animals** **[Adopted as Art. XVII of the 2005 Bylaws]**

###### **§ 180-1. Moving buildings.**

No building shall be moved over a public way without a permit from the Board of Selectmen and other regulating authorities as appropriated by law.

###### **§ 180-2. Obstructions.**

No persons, except those Town department employees performing their regular duties on behalf of the Town, shall place or cause to be placed in any of the public streets any dirt, rubbish, wood or timber or any other material of any kind, tending to obstruct the streets, without a written license from the Board of Selectmen.

###### **§ 180-3. Pasturing animals.**

No person shall pasture any animal upon any street or way in the Town, without a keeper, except within the limit of such way adjoining his own premises.

#### ARTICLE II

##### **Removal of Snow from Rights-of-Way** **[Adopted as Art. XIX of the 2005 Bylaws]**

###### **§ 180-4. Placement on public way prohibited.**

No person shall plow or otherwise remove snow from private property onto a public way in such manner as to obstruct travel or snow removal operations on such way.

#### ARTICLE III

##### **Removal of Snow and Ice from Sidewalks** **[Adopted as Art. XXI of the 2005 Bylaws]**

###### **§ 180-5. Definitions.** [Amended 5-19-2014 ATM by Art. 23]

The following words used in this bylaw shall have the following meanings, unless a contrary intention clearly appears:

**OWNER OF LAND** — The record owner of such land, and shall include any one record owner in the case of multiple ownership.

**POLICE CHIEF** — The Chief of Police of the Town, or his/her designee.

**SIDEWALK** — A sidewalk, whether paved or not, within the limits of a public way.

**§ 180-6. Duty to remove.**

Except as provided in § 180-7 of this bylaw, every owner of land abutting a sidewalk shall cause all snow and ice to be removed to a width of not less than four (4) feet from the portion of the sidewalk abutting his/her land.

**§ 180-7. Exception.**

The provisions of § 180-6 of this bylaw shall not apply in any instance in which, due to weather conditions, snow or ice is evenly spread over a sidewalk and frozen thereto so that removal is impracticable, so long as such sidewalk is maintained in a reasonable safe condition by sanding or otherwise.

**§ 180-8. Enforcement; violations and penalties.** [Amended 5-19-2014 ATM by Art. 23]

The Police Chief shall enforce the provisions of this bylaw. Any owner who continues to violate any provision of this bylaw after twenty-four (24) hours following receipt by him/her of written notice of such violation from the Police Chief shall be liable to a penalty not exceeding fifty dollars (\$50) for each offense. Each day that such violation continues after such twenty-four-hour period shall constitute a separate offense.

ARTICLE IV  
**Temporary Repair of Private Ways**  
[Adopted 5-13-2006 ATM by Art. 32 (Art. XLIII of the 2005 Bylaws)]

**§ 180-9. Authority.**

The Town may, subject to appropriation therefor, make temporary repairs on Town ways which have been opened to public use for six (6) years or more.

**§ 180-10. Permitted repairs.**

Such repairs shall include only:

- A. Filling in holes and depressions in the surfaces and subsurfaces of such ways with suitable materials;
- B. Oiling the surfaces of such ways;
- C. Surfacing such ways with bituminous materials, including, but not limited to, bituminous concrete; and

D. Installing and constructing necessary drainage facilities.

**§ 180-11. Conditions.**

No such repairs shall be made unless:

- A. Fifty-one percent (51%) of the owners of land abutting the way have petitioned the Selectmen for such repairs and have delivered to the Selectmen agreements in a form approved by the Town Counsel releasing the Town from any claims for damages caused by such repairs and covenanting not to sue the Town for any such damages; and
- B. The Selectmen's designee has determined such repairs are required by public necessity. The Selectmen shall schedule such repairs based upon the amount of funds appropriated therefor. No betterment charges shall be assessed, and no cash deposit shall be required for such repairs.

**§ 180-12. Liability of Town.**

The liability limit of the Town on account of damages sustained by any person, other than an abutting owner, caused by such repairs shall be zero dollars (\$0).