

## Chapter 15

### TRAFFIC\*

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\* **State Law References:** Payment in person of nonmoving traffic violation in North Smithfield, G.L. 1956, § 45-6.1-8; conformity with state law, § 31-12-11; authority to enact regulations, §§ 31-12-12, 31-13-3.

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#### **Sec. 15-1. Animals and vehicles on sidewalks.**

It shall be unlawful for any person to ride, drive or lead any horse or cattle or move or propel any velocipede, bicycle, tricycle or other vehicle, except light carriages for the conveyance of children, on any sidewalk in the town, unless for the purpose of necessarily crossing the same; and it shall be unlawful for any person to allow any horse or cattle belonging to him or under his care to stand or remain on such sidewalk. (Code 1948, Ch. VII, § 8)

#### **Sec. 15-2. Sled riding.**

It shall be unlawful for any person to slide or coast on any sled for amusement on any street or highway in the town. (Code 1948, Ch. VII, § 111)

#### **Sec. 15-3. Snow emergency--No parking.**

(a) *Prohibited.* No vehicle shall be parked on either side of any public roads maintained by the town whenever the forecast indicates any type of snowfall or whenever the director of public works or the chief of police shall publicly announce a snow emergency. Any vehicle so parked shall be towed away and impounded at the owner's expense.

(b) *Vehicle fine.* Vehicles in violation of subsection (a) and section 15-4 (below) shall be subject to a fine of \$25.00 per offense in addition to towing charges as set forth above.

(c) *Exceptions to parking ban.* Physicians and emergency vehicles shall not be subject to this section when responding to a life or death situation.

(Code 1948, Ch. XXVII, § 15; Ord. of 7-20-70; Ord. of 10-15-90, § 1)

**Sec. 15-4. Same--Towing in absence of announcement, fees.**

Whenever, after any blizzard or heavy fall of snow, the exigencies of snow plowing or removal from the highways of this town shall reasonably so require, the police may cause any vehicle found parked or left standing on any public highway of this town in such manner as seriously to impede the removal or clearing away of snow to be towed away and impounded at the expense of the owner of such vehicle. The owner of any such vehicle so towed away and impounded shall pay to the towing company such towing charges and impoundment fees as result from said towing and impoundment, with such fees and charges not to exceed those charges and fees usually charged by the towing company for said services.

(Code 1948, Ch. VII, § 34; Ord. of 1-31-63; Ord. of 2-10-76)

**Sec. 15-5. No parking and limited parking; traffic-control devices.**

Following is a schedule of no-parking and limited-parking areas and list of other traffic-control devices, which shall be observed by all persons operating vehicles in the town:

- (1) No vehicle shall be parked at any time on the northerly side of Main Street in Slatersville in front of the building occupied in part by the Fleet National Bank.
- (2) No vehicle shall be parked at any time on the southerly side of Smithfield Road, from Union Square to Park Square.
- (3) No vehicle shall be parked at any time on the easterly side of Summit Avenue and Glen Avenue and the westerly side of White Parkway.
- (4) No vehicle shall be parked at any time on the northerly side of Woonsocket Hill Road from Route 146A to Route 146.
- (5) No vehicle shall be parked on the northerly side of St. Paul Street from St. Paul's Church westerly for a distance of 400 feet.
- (6) No vehicle shall be left standing or parked within 20 feet of any intersection in the town so as to interfere with the vision of the other traffic.
- (7) No vehicle shall be parked on either side of Church Street in Slatersville on Sundays between the hours of 6:30 a.m. and 1:00 p.m.
- (8) No vehicle shall be parked at any time on the southerly side of Greene Street in Slatersville from Ridge Road to the Slatersville Cemetery.
- (9) No vehicle shall be parked on either side at any time of Iron Mine Hill Road from Eddie Dowling Highway to Sayles Hill Road.
- (10) No vehicle shall be parked on the southerly side of School Street in Slatersville and School Street

in Forestdale from Greene Street in Slatersville to the driveway leading to Stamina Mills in Forestdale.

- (11) No vehicle shall be parked at any time on the northerly side of Pound Hill Road from Route 146A to Route 146.
- (12) No vehicle shall be parked on the northerly side of School Street in Forestdale from the Eleanor Howard Kindergarten easterly for a distance of 50 feet or westerly from the same for a distance of 500 feet.
- (13) No vehicle shall be parked on the south side of Greene Street in Slatersville in front of the premises occupied by Kendall Dean School.
- (14) No vehicle shall be parked on either side of Great Road in Branch Village from Route 146A to Hardness Road.
- (15) No commercial vehicle of a capacity greater than one ton shall be parked on Merrimac Road, Walsh Avenue, Joan Street or Chester Street between 6:00 p.m. and 6:00 a.m.
- (16) No vehicle shall be parked on any public highway for more than two hours at a time between the hours of 12:00 midnight and 6:00 a.m.
- (17) No vehicle shall be parked at any time on either side of Canal Street.
- (18) No vehicle shall be parked at any time on the northerly side of Mill Street.
- (19) No vehicle shall be parked at any time from Great Road in Union Village 200 feet on the northwesterly side of Lapre Road.
- (20) No vehicle shall be parked at any time on either side of Charon Drive except for church services.
- (21) No vehicle shall be parked at any time on either side of Tiffit Road from Black Plain Road to Oxford Road.
- (22) No vehicle shall be parked at any time on Oxford Road from Tiffit Road to Mattity Road.
- (23) No vehicles shall be allowed to park at any time on both sides of Brentwood Drive between the hours of 6:00 p.m. to 6:00 a.m.
- (24) No vehicle shall be parked at any time on the westerly side of Merrimac Street to Chester Street.
- (25) No vehicle shall be parked on either side of Grange Road from utility poles No. 6 through pole No. 20.
- (26) No vehicle shall be parked on either side of Hanton Road between utility poles No. 10 through No. 14, from 6:00 p.m. to 6:00 a.m.

- (27) No vehicle shall be parked either side of Mount Pleasant Road anytime for a distance of 150 feet from Route 102, Victory Highway. No vehicle shall be parked on either side of Mount Pleasant Road during the hours of 6:30 a.m. and 6:30 p.m. Monday through Friday, between Pole 5 to Pole 8.
- (28) When stop signs are erected upon highways intersecting a through street at the entrance to an intersection, every driver of a vehicle shall stop at every sign or at the stop line before entering the intersection, except when directed to proceed by a police officer or traffic control signal.
- (29) There shall be no through trucking of commercial vehicles in excess of five tons total weight with cargo, unless for home service delivery, and business service delivery on Pound Hill Road from the Providence Pike (Route 5) intersection to the Industrial Drive intersection, and in the immediate area from Pole 39 Pound Hill Road to Route 146-A Great Road, North Smithfield.
- (30) No vehicle shall be parked on either side of Myrick Drive at any time provided that this restriction shall not prevent a handicapped person from parking in a designated handicapped parking space on said Myrick Drive. There shall be four handicapped parking places created and so designated on the westerly side of Myrick Drive for use as herein described.
- (31) There shall be erected a four-way stop sign at the intersection of Mattity Road and Black Plain Road which shall be observed in accordance with the provisions of subsection (28) of this section.
- (32) No vehicle shall be parked on the westerly side of Summit Avenue between the extreme property lines of street addresses 41 Summit Avenue and 43 Summit Avenue. In addition, no vehicle shall be parked at any time on the southerly side of Summit Avenue, between the extreme property lines of street addresses 43 Summit Avenue and 57 Summit Avenue.
- (33) There shall be no through trucking of commercial vehicles in excess of five tons total weight with cargo, unless for home service delivery and business service delivery on Maple Avenue, North Smithfield.
- (34) There shall be no parking at any time on the southerly side of Green Street from School Street to Great Road.
- (35) There shall be no parking at any time on the southerly side of Milton Avenue.

(Code 1948, Ch. VII, Ord. of 12-18-56; Ord. of 1-29-63; Ord. of 2-27-68; Ord. of 7-20-70; Ord. of 4-28-75; Ord. of 6-23-75; Ord. of 6-30-80; Ord. of 7-19-82; Ord. of 6-8-83; Ord. of 1-18-85; Ord. of 2-18-86; Ord. of 10-17-88; Ord. of 12-18-89; Ord. of 8-20-90; Ord. of 10-15-90; Amend. of 1-25-93; Amend. of 6-21-93; Ord. of 6-1-98; Ord. of 2-5-07; Ord. of 7-19-04)

#### **Sec. 15-6. One-way streets.**

- (a) All vehicles shall travel at all times only in a westerly direction on Lapre Road from Great Road (State Highway 146A) to the first intersection on Lapre Road with Oaklawn Road.

- (b) All vehicles shall travel at all times in a northerly direction only on Ironstone Street from the intersection on Buxton Street to Quaker Highway.  
(Ord. of 5-18-15)

**Sec. 15-7. Fine payment without trial--Procedure.**

(a) A person charged with the violation of any procedure of the ordinances relating to parking or nonmoving violations ordained by the town council and notified in writing by a police officer to appear on a day and hour stated in such notice to answer such charge before the court instead of personally appearing in court may, in person or by one duly authorized by him in writing, appear at the police station within the hours stated on said notice, admit the truth of said charge and pay to the officer in charge of said police station, for each of the following enumerated offenses as follows:

- (i) Overtime or night parking; Parking within eight feet of or blocking a fire hydrant; Parking on curb or sidewalk; Parking left wheels to curb; No parking, prohibited or restricted parking zone; Parking to obstruct a driveway; Parking within a crosswalk or an intersection; Parking in excess of 12 inches from the curb; Parking within 15 feet of an intersection; Parking in a bus or taxi stand; Double parking; Parking within 30 feet of a traffic control device; and any other parking or nonmoving violation not enumerated in subsection (a)(ii) herein: \$50.00 for the first violation, \$75.00 for the second violation and \$100.00 for the third violation committed within the consecutive period of 12 months next preceding the date of each said violation.
- (ii) Parking in a marked handicap parking space; Parking in an emergency zone; Parking in a fire lane; and Parking on any public street during a declared snow emergency "no parking" period: \$100.00 for the first violation, \$200.00 for the second violation and \$300.00 for the third violation committed within the consecutive period of 12 months next preceding the date of each said violation.
- (iii) The failure to pay the fine amount(s) listed, or to appeal (plead not guilty), within ten calendar days from the date of violation(s) shall result in a doubling of the fine amount(s).
- (iv) The failure to pay the fine amount(s) listed within 30 calendar days from the date of violation(s) shall result in a tripling of the fine amount(s) and a summons to appear in court.
- (v) If found guilty in any court proceeding, the court may add costs (further fees) to the fines incurred pursuant to this section.
- (vi) The town may utilize any and all methods as may be authorized from time to time by federal or state law to enforce this section.

or may pay said fine by mailing the tag and the amount of said fine within five days from the date of such violation, postage prepaid, addressed to the North Smithfield Police Department, 575 Smithfield Road, North Smithfield, Rhode Island. Failure to appear and pay such fine or to mail such tag and the amount of the fine within five days of such notice shall be deemed a waiver to dispose of such a charge without personal appearance in said court; and provided further, that such appearance, admission and payment is made to the police within five days of such notification and failure to appear within said time shall be deemed a waiver of the right to appear and to

dispose of such charge without personal appearance in court. The payment of the fine in the manner herein provided shall operate as a final disposition of such charge and such proceedings shall not be deemed criminal.

(b) The notice provided for in subsection (a) shall indicate the offense charged and shall also contain such information as will enable the person charged to take advantage of the provisions of this section. The right to dispose of such a charge without personal appearance in court may not be exercised by any person who in any consecutive period of 12 months next preceding such charge has been three times in the aggregate adjudged guilty by said court, or has three times admitted the truth of the charges made against him under the provisions of this section, or any combination thereof.

(Ord. of 6-15-70, § 1; Ord. of 1-15-79; Ord. of 12-21-09)

#### **Sec. 15-8. Same--Remitting fines.**

All fines collected under the provisions of section 15-7 shall be remitted to the director of finance of the town at regular intervals and receipts given to the police department for such remittances.

(Ord. of 6-15-70, § 2)

#### **Sec. 15-9. Heavy trucks--Permit on certain roads, exceptions.**

(a) No trucks or other commercial vehicles heavier than 35,000 pounds gross weight, including their loads, shall be allowed on the following town roads without first obtaining a special permit from the town administrator; Black Plain Road, Pound Hill Road, Follett Street, Woonsocket Hill Road, Buxton Street, Charon Drive, Mendon Road, Rhodes Avenue to Woonsocket city line, Harkness Road (west), Connector Road, Old Great Road, Pine Hill Road and Tift Road.

(b) The application for a special road use permit for the above mentioned roads and/or streets by trucks or other commercial vehicles with a gross weight in excess of 35,000 pounds, including their loads, shall be accompanied by the following:

- (1) A plan showing the proposed route of travel over the streets and roads referred to in subsection (a).
- (2) Type of vehicle to be utilized indicating their gross weight and type of cargo to be carried.
- (3) Frequency of use on a daily basis to include hours of operation and days utilized.

(c) The town administrator, after receiving the application for the special road use permit, may issue said permit after he certifies that satisfactory provisions have been made for the following:

- (1) That the proposed use of the roadway will not interfere with the free flow of traffic, school bus operations and the public safety in the area.
- (2) Dangerous intersections or peculiar road conditions (curves, steep grades, etc.) are properly safe guarded through the use of policemen or road guards if necessary.
- (3) Trucks carrying loose materials or sand are properly covered and/or secured.

- (4) Reduction of speed limits for these vehicles from the posted speed limit to 15 miles per hour.
- (5) The director of public works indicates in writing that irreparable damage will not occur to the road bed, and shoulders, culverts and/or bridges thereon.

(d) The town administrator will consult with the director of public works and the chief of police with regard to items (1) to (5) of subparagraph (c); in the event that the town administrator determines that a permit may be issued, the director of public works shall indicate in writing the amount of cash, certified check or surety bond recommended to repair anticipated damage caused to the roadbed, road shoulders, culverts and/or bridges located thereon, thereafter the town council will approve the amount of security as aforesaid which must be posted, said determination to be made at the next regularly scheduled town council meeting.

(e) Provide, however, that nothing contained in this section shall affect the use of such streets or highways by any fire trucks, town public works department trucks, United States government vehicles and trucks hired by the town for plowing purposes, any other motor trucks using such streets in any emergency, or trucks engaged in home service operations, cesspool cleaning, well digging, home building or repairs and home deliveries.

(Ord. of 1-19-70; Ord. of 2-16-70; Ord. of 10-15-74; Ord. of 7-16-90; Ord. of 5-17-99)

**State Law References:** Authority, G.L. 1956, § 31-25-26; see also § 45-6.1-8.

**Sec. 15-10. Same--Permit forms, bond forms.**

- (a) Permits for the use of overweight trucks shall be in the following form:

"Town of North Smithfield

Permission is granted to \_\_\_\_\_

of \_\_\_\_\_

to travel over the following town roads \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

with trucks in excess of 35,000 lbs. subject to the following conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Receipt of cash or certified check in the amount of \$ \_\_\_\_\_ is hereby acknowledged. This permit expires \_\_\_\_\_ unless sooner revoked.

Deposit will be refunded providing it is determined that the permittee has not damaged any of the town roads to which this permit applies.

\_\_\_\_\_  
North Smithfield Town Administrator

\_\_\_\_\_  
North Smithfield Town Council”

(b) In the event that a surety bond is posted to pay damage, it shall inure to the benefit of the Town of North Smithfield and shall be in accordance with the following form:

KNOW ALL MEN BY THESE PRESENT, THAT,

\_\_\_\_\_, hereinafter called the "PRINCIPAL," as PRINCIPAL and the \_\_\_\_\_ hereinafter called the "SURETY," as SURETY, are held firmly bound unto the TOWN OF NORTH SMITHFIELD, RHODE ISLAND, hereinafter called the "OBLIGEE" in the just sum of \_\_\_\_\_ DOLLARS to the payment of which sum will truly be made by said PRINCIPAL AND SURETY, and their respective heirs, administrators, successors and assigns, jointly and severally held harmless by these presents to repair any and all damage caused by the operation of vehicles owned, operated and/or controlled by PRINCIPAL, its agents, employees, successors and assigns, and more especially the \_\_\_\_\_ for the use of \_\_\_\_\_ within the Town of North Smithfield, caused by PRINCIPAL as aforesaid. The conditions of this bond are such that if the Director of Public Works for the Town of North Smithfield, shall indicate in writing to PRINCIPAL that \_\_\_\_\_ has sustained damage to either its shoulder, roadbed (so-called), and/or culverts, if any, then the PRINCIPAL shall save harmless the OBLIGEE from all costs for said damage which the OBLIGEE may suffer and shall fully reimburse the Town of North Smithfield for all outlay and expenses which may be necessary in repairing such damage, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, said PRINCIPAL and SURETY have signed and sealed this instrument on the \_\_\_\_\_ day of \_\_\_\_\_ A.D.

PRINCIPAL  
SURETY

By \_\_\_\_\_  
Its Duly Authorized Officer  
(Mo. of 2-2-70; Ord. of 10-15-74)

**Sec. 15-11. Enforcement provisions.**

(a) *Penalty for violations.* Any person, firm or corporation violating any of the provisions of this

article shall be subject to a fine as a penalty not exceeding \$500.00 for each offense; each and every violation and nonconformance of this article, or each day that any provision shall have been violated, shall be construed as a separate and distinct violation thereof. All such fines shall inure to the benefit of the town.

(b) *Suit.* Suit may be brought in the superior court in the name of the town to restrain violation of or compel compliance with the provisions of this article.  
(Ord. of 7-16-90)

#### **Sec. 15-12. Claims against the town; damage caused by potholes.**

If any person, partnership, corporation or other entity shall incur tire or tire related damage only to his, her or its motor vehicle by reason of a pothole on any town owned street or bridge which damage would not have occurred without the existence of the pothole, he, she or it may recover from the town the amount of damages sustained up to and no more than \$300.00; however, the town shall not pay 100 percent of the claim but rather shall pay on a depreciated basis. All claims shall be made within seven days of the incident (including weekends and holidays) with the town clerk's office. Mailed claims shall be controlled by the postmark. The claim must include a paid receipt for the damage; tow receipt, if applicable; police report, if applicable; a copy of a valid motor vehicle registration; and a letter describing the incident, including, but not limited to, setting forth the date, time, location and weather conditions.  
(Ord. of 5-21-01)

#### **Sec. 15-13. Use of recreational and other vehicles on public and private property.**

(a) No person shall operate, cause to be operated, park, walk or drive a motor vehicle or motorized vehicle of any nature and kind (except for handicap or medical purposes) in town-owned public parks, public walkways, grassy areas, trails, recreational facilities, open space areas or in any area within the town where motor vehicles are not allowed, except in designated parking and traveling areas, except for the specific purpose of authorized maintenance or operation of such area, or for public health, safety or handicapped purposes, or without first obtaining and having in his possession written permission from the town for such operation.

(b) No person shall operate, cause to be operated, park, walk or drive, or have in his possession while trespassing, a motor vehicle of any nature and kind which has been determined by the Department of Motor Vehicles for the State of Rhode Island as unsuitable for operation on the public way and is not eligible for registration for that use, including but not limited to any recreational vehicle, so-called "all-terrain vehicle", motorcycle, dirt bike, minibike, moped, go-kart, motorized scooter or cycle, motorized tricycle, snowmobile or quad cycle, on a public street or highway, public park, public walkway, grassy area, trail, recreational facility, open space area, or in any area within the town where motor vehicles are not allowed, or on the private property of another, without first obtaining and having in his possession written permission from the property owner for such operation. Any person granting such permission shall be responsible to insure that the noise and other condition generated by such use shall not be a nuisance or annoyance to the surrounding neighborhood or neighboring properties. No such permission may be granted for any commercial or other use in violation of applicable zoning regulations.

(c) *Penalty.* Any person violating subsections (a) and (b) hereinabove shall be subject to a fine of \$100.00 for each offense, or such other amount as may hereafter be authorized by Rhode Island law, including but not limited to R.I.G.L. § 31-32.-4.1, and may be held responsible for the cost of all environmental remediation.

Any vehicle used in violation of this article may be impounded and may be towed and stored at the owner's expense. All such fines shall be paid to the town clerk, to be directed for the purpose of the enforcement of the ordinance (first to be directed to vehicle operating and maintenance costs), and such storage and towing fees paid to the entity designated by the police to tow and store such vehicles, or as may be otherwise required by any court of competent jurisdiction, including but not limited to the District Court of the State of Rhode Island or any municipal court of the Town of North Smithfield.

(d) *Eluding an officer.* No person illegally operating any vehicle in violation of subsections (a) or (b) hereinabove or otherwise shall elude a police officer upon being signaled to stop or upon being told to stop, including any action by a police officer in telling or signaling any vehicle operator to stop by any oral statement, siren, flashing light, hand signal or other signal, whether the police officer ordering or signaling the stop is in or on a vehicle or on foot. Such prohibited eluding shall include but is not limited to acts consisting of failing to stop, increasing speed, changing direction, turning off lights or taking similar steps to avoid or escape from a police officer. Any person apprehended in violation of this section shall be subject to a fine of \$100.00 for each offense, or such other amount as may hereafter be authorized by Rhode Island law in addition to the penalty set forth in subsections (a) and (b) above.

(Ord. of 1-16-07; Ord. of 4-5-10)