

ARTICLE 34

USE OF BICYCLE PATHS, TRAILS AND ASSOCIATED AREAS

Section 1. Definitions.

All-Terrain Vehicle (ATV) or Off-Road Vehicle (ORV) – Any motor-powered vehicle for Off- Road or All-Terrain use, whether designed or modified for cross country travel without benefit of a road or trail, on or over land, snow, ice, wetland or other natural terrain. This definition includes but is not limited to tracked or three or four wheeled vehicles, motorcycles or related two wheeled vehicles, amphibious machines, air cushion vehicles or any other means of transportation deriving motive power from a source other than the use or exertion of the human muscle or a natural source such as the wind.

Bicycle – A non-motorized vehicle, powered by peddling or other human exertion, consisting of a frame mounted on a wheel or wheels and generally having a seat, handlebar for steering and pedals for human propulsion.

Bicycle Path – Any way designated or constructed by the Town of Milford specifically for non-motorized bicycle use for public recreation and transportation. Bicycle Paths are typically paved, signed, and have structures (gates, bollards, etc.) to control or exclude motorized vehicular access.

Electric Bicycle (E-Bike) – A pedal bicycle which has a helper motor.

Class 2 Electric Bicycle – An electric bicycle or tricycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

Handicap or HP Vehicle – A vehicle or device utilized to provide mobility to a person who would otherwise be prohibited from access because their physical ability of movement would otherwise be challenged or impaired.

Motor Vehicle – Any motorized vehicle as defined in G.L. c 90 s. 1, or any motorized vehicle or vehicle capable of motorized operation, not so defined by G.L. c. 90 s. 1, to include but not be limited to, automobiles, trucks, motorcycles, snow vehicles, mopeds, scooters, mini-bikes, pocket-bikes, ORV's, or ATV's.

Mountain Bicycle – A two-wheel non-motorized bicycle designed to be used both on and off paved surfaces or over unimproved terrain.

Operate – To ride in or on, and be in actual physical control of the operation of a vehicle.

Official Traffic Control Devices – All signs, signals, markings and devices placed or erected by the Town of Milford for the purposes of guiding, directing, warning or regulating use of the Bicycle Paths and related areas.

Pedestrian – A person who is walking, jogging, or running.

Person – Any individual, firm, partnership, corporation, company, association, or body politic, or any combination of individuals, including any agent, trustee, executor, receiver, assignee, or other representative of any kind, except the United States, the Commonwealth of Massachusetts, the Town of Milford or other City or Town body politic, and the agents, representatives, or employees or said governmental units.

Snow Vehicle – A motor powered vehicle designed to travel over snow or ice, supported in whole or in part by skis, belts, cleats or tracks.

Traffic – Pedestrians, ridden or herded or walked animals, bicycles, vehicles, buses and other conveyances either singularly or together while using any way for the purpose of travel.

Vehicle – Every device in, upon or by which any person or property is or may be transported or drawn upon a way.

Section 2. General Provisions.

The provisions of this By-Law shall be liberally construed to permit the Town of Milford and designated law enforcement officers to ensure and enforce the proper use of the bicycle paths and trails in accordance with these regulations and the intended use of said paths and trails.

Section 3. Regulations For Use of Bicycle Paths, Trails, and Associated Areas.

a. No person, shall use or operate a motorized vehicle or device of any kind, or a device or vehicle capable of motorized operation except E-Bikes, authorized maintenance vehicles, emergency vehicles of the Police Department, Fire Department, Emergency Medical Services, or other emergency service upon or within the Town of Milford Bicycle Path or Trail, or associated areas, to include but not be limited to an automobile, truck, motorcycle, snow vehicle, moped, scooter (except motorized scooters used by persons with disabilities for mobility), mini- bike, pocket-bike, ORV, or ATV, unless said area is specifically designated for the parking, placement or operation of motorized vehicles.

E-Bikes are permitted upon or within a Town of Milford Bicycle Path. E-Bikes shall not be operated on a trail designated for nonmotorized traffic if such trail has a natural surface tread made by clearing and grading the soil and no surfacing materials have been added.

E-Bikes are permitted Class 2 and below and speeds must be kept low, below 15 mph.

Helmets – Any person 16 years of age or younger operating a bicycle or being carried as a passenger on a bicycle on a public way, bicycle path or on any other public right-of-way shall wear a helmet in accordance with MGL Chapter 85, Section 11B, subsection (2)(iii).

- b. Motorized vehicles of any kind or type, except E-Bikes shall not be operated or placed upon or within a Town of Milford Bicycle Path or Trail, except if said vehicle or device is being utilized to provide mobility to a handicapped person who would otherwise be prohibited from access because their physical ability of movement would otherwise be challenged or impaired and provided further that said vehicle or device is not an automobile, truck, motorcycle, snow vehicle, moped, scooter, mini-bike, pocket-bike, ORV, or ATV.
- c. Any motorized vehicle, as defined in G.L. c. 90 s. 1, found in or upon a Town of Milford Bicycle Path or Trail, or associated areas, unless specifically authorized, shall be subject to towing and storage upon the order and direction of a law enforcement officer in accordance with the provisions of G.L. c. 266 s. 120D. Any motorized vehicle, or vehicle capable of motorized operation, not so defined by G.L. c. 90 s. 1, shall be subject to removal by a law enforcement officer by towing and storage in a convenient location. Neither the town, nor its chief of police or his designee, shall be liable for any damages incurred during the removal or storage of any such vehicle removed under this section or in accordance with G.L. c. 266 s.120D.
- d. No person shall utilize the Town of Milford Bicycle Path or Trail, or associated areas, for horseback riding or any purpose other than for recreational or transportation purposes via bicycle riding, roller skating, rollerblading, walking, jogging, running, snow shoeing, or cross- country skiing, all of which may only be accomplished by human propulsion, except E-Bikes. Said users may ride, at a maximum, two-abreast only when it is safe to do so.
- e. Bicycle Path and Trail users shall keep to the right; and when stopping, shall not block the path or trail.
- f. Authorized vehicles shall not exceed the posted speed limit, as established and posted by the Town of Milford, except that emergency vehicles may be operated at a speed in excess of the applicable speed limit provided that the operator exercises caution and due regard under the circumstances for the safety of persons and property, and said vehicle may be driven through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection provided the operator first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection.
- g. When approaching a walker, jogger, or runner, the operator of a bicycle or mountain bicycle shall immediately slow their vehicle to a minimum safe operating speed, shall give such pedestrian the right of way, shall not pass until there is a reasonable distance of not less than 50 feet from such person. Bicycle operators shall stop their vehicle, when necessary, to yield the right of way or to prevent an accident. Wherever possible, pedestrians and bicyclists shall keep to the right side of the Bicycle Path or Trail. When passing, Bicycle Path and Trail users shall alert others with an audible signal (voice, bell or horn), and shall pass to the left only when it is safe to do so.

- h. Bicycle Path and Trail users shall stop at intersections and obey all regulatory signs and pavement markings.
- i. All users of Town of Milford Bicycle Paths and Trails, or areas associated therewith, shall yield the right of way to police, fire, emergency medical services or other emergency vehicles.
- j. Town of Milford Bicycle Paths and Trails may be used after dark for transportation and commuting purposes provided that the vehicle is equipped with a white light to the front and a red light to the rear that are visible for at least five hundred (500) feet. Pedestrians must have reflectorized material on their outer garments.
- k. No person shall engage in disorderly conduct including rough play, pushing, shoving and fighting or use obscene language or fighting words while within the confines of a Town of Milford Bicycle Path.
- l. No person shall engage in games which, due to the location or nature of the activity, may cause or tend to cause discomfort, fear or injury to any person, or property, while within the confines of a Town of Milford bicycle Path or Trail.
- m. No person shall promote, sponsor or engage in any race, rally or organized trials event on or within a Town of Milford Bicycle Path or Trail, or associated areas, except upon compliance with all By-Laws of the Town of Milford and permission and licensing by said Town.
- n. No person shall consume or possess an open container of alcoholic beverages while within the confines of a Town of Milford Bicycle Path or Trail, or any area associated therewith.
- o. No person shall leave, place or dispose of in any manner, trash, litter, refuse, garbage, sewage or other material upon said Town of Milford Bicycle Path or Trail, or associated areas, except trash materials designated to be placed within designated trash receptacles.
- p. No person shall solicit, sell, rent, advertise or offer to sell, rent, hawk, peddle, display or distribute any goods, wares, tangible or intangible property, merchandise, liquids or edibles, or services for hire, or render any services for hire, upon any Town of Milford Bicycle Path or Trail, or associated areas, except upon compliance with all By-Laws of the Town of Milford and permission and licensing by said Town. No person shall distribute, erect, or fix any handbill, circular, pamphlet, placard, sign, notice, billboard, poster or any printed matter in or upon any Town of Milford Bicycle Path or Trail, or associated area, except upon compliance with all By-Laws of the Town of Milford and permission and licensing by said Town. Upon approval, licensing and compliance with the By-Laws of the Town of Milford, the licensed or approved, person shall be responsible for removal of all displays and any trash, litter, refuse, garbage, sewage or other material resulting from said licensing or permission.

- q. No person shall enter upon private property from a Town of Milford Bicycle Path or Trail, or any area related thereto, except upon authorization of the owner or person having control of said property.
- r. All laws, by-laws, ordinances, regulations, pertaining to public places shall apply to all paths, trails and areas related to Town of Milford Bicycle Paths.

Section 4. Enforcement; Violations; Arrests; Penalties

- a. Whoever is found not to be in conformance with the requirements of Section Three, shall be in violation of the Town of Milford By-Laws.
- b. Violations shall be punished by a fine of one hundred dollars for the first offense and two hundred fifty-dollars for each subsequent offense.
- c. Whoever violates the provisions of this By-Law may be arrested by a police officer authorized to serve criminal process in the Town of Milford, and may be kept in custody in a convenient place, not more than twenty-four hours; Saturday, Sunday, and Legal Holidays excepted, until they can be taken before a court so that a complaint can be made against them for the offense and then be taken upon a warrant issued upon such complaint.

In addition to any other penalty provided by law, the registered owner of a vehicle towed and/or stored in compliance with this section or G.L. c. 266 s. 120D, shall be liable for charges for the removal and storage of such vehicle; provided, however, that the liability so imposed for the towing and storage is in conformance with the provisions of G.L. c. 159B s. 6B. However, the tow operator may, at his discretion, if the owner appears before the towing is completed, charge said owner one half of the fee usually charged for such towing.

Section 5. Compliance with General Laws, By-Laws, and Regulations.

In addition to the provisions of the Town of Milford By-Law concerned with Regulating Use of Town of Milford Bicycle Paths, Trails and Associated Areas, said persons shall comply with all other by-laws and regulations of the Town of Milford and General Laws of the Commonwealth of Massachusetts, or take any other action in relation thereto.

Note: Enacted under Article 1 of the October 18, 2004 Special Town Meeting; approved, with deletions by Attorney General on January 7, 2005. Amended STM October 24, 2005, Article 24; approved by Attorney General February 9, 2006. Amended ATM May 23, 2023, Article 21; approved by Attorney General August 30, 2023.