

CHAPTER IX

Section 2. Parking Regulations and Regulations of Traffic Signs, Signals and Devices

I. General Guidelines:

- a) The guidelines in this document shall be consistent with the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways of Massachusetts, which have been correlated with and conforms, as closely as Massachusetts laws and conditions will allow, to the standards adopted by the Federal Highway Administrator as a national standard for application on all classes of highways. Modifications that were deemed necessary to cover local requirements have been made and are presented as amendments and addenda in the manual as the official standards of MassHighway. (M.G.L. c. 85, s. 2; MUTCD 2003).
- b) It shall be the responsibility of the Police Department and authorized police employees to enforce the parking regulations of the municipality with reasonableness and impartiality. (M.G.L. c. 90, s. 20A, P&P Number 5.05).
- c) For the purposes of this document the term (parking) shall be defined as; the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading, in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.
- d) For the purposes of this document the term (way) shall be defined as; any public highway, private way laid out under authority of statute, way dedicated to public use, or way under the control of park commissioners or body having like powers. (M.G.L. c. 90, s. 1).
- e) No person shall park any vehicle or trailer, or place any object, on any way or portion thereof, in such manner as to obstruct the use of such way by the public, or the use of such way by persons having a legal right thereto.

II. Traffic Signs and Signals:

- a) The Superintendent of Streets is hereby authorized, and as to those signs and signals required, it shall be his/her duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Highway Department of the Commonwealth of Massachusetts. (M.G.L. c. 85, c. 2; MUTCD 2003 Article III Section 3-4).
- b) No person shall willfully deface, injure, move, alter, obstruct or interfere with any official traffic or parking sign, signal, device or marking. (MUTCD 2003 Article III Section 3-2).

- c) No person shall place, maintain or display upon or in view of any way, any unofficial sign, signal, device, marking or other object, which hides from view, any official traffic or parking sign, signal, device or marking.
- d) No person shall place, maintain or display upon or in view of any way, 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. (MUTCD 2003 Article III Section 3-5).
- e) No person shall place, maintain or display upon or in view of any way, any unofficial sign, signal, device or marking, which attempts to direct, alter or monitor the movement or speed of traffic, or the parking of vehicles.
- f) The Chief of Police is empowered and directed to remove or cause to be removed every such prohibited sign, signal, device or marking without notice, and violators may be liable to a penalty for each and every violation of the restrictions outlined in this section. (MUTCD 2003 Article III Section 3-5).

III. Vehicles Parked in Violation; Removal Authority:

- a) The Police Department has the authority and the responsibility to ensure the safe and efficient flow of vehicular traffic, which may necessitate towing of immobile or seemingly abandoned vehicles from ways. The towing of vehicles shall be completed in accordance with Massachusetts General Laws, Codes of Massachusetts Regulations (C.M.R.'s), local ordinances & Police Department policies. (P&P Number 5.05, 5.06).
- b) The Chief of Police, or other officers within the Police Department as he/she may from time to time designate, is hereby authorized to remove to some convenient place through the agency of a person or persons in the employ of the Police Department, or by an independent contractor, any vehicle parked in or standing on any portion of any way in such a manner as to obstruct or impede in any way the removal or plowing of snow or ice or in violation of any rule or regulation which prohibits the parking or standing of all vehicles on such ways or portions thereof at such time. (M.G.L. c. 40, s. 22D).
- c) The Chief of Police, or other officers within the Police Department as he/she may from time to time designate, is hereby authorized to remove to some convenient place through the agency of a person or persons in the employ of the Police Department, or by an independent contractor, any vehicle parked or standing on any part of any way under the control of the municipality in such a manner as to obstruct any curb ramp designed for use by handicapped persons as means of egress to a street or public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate, or displays the special parking identification plate authorized by section two of chapter

ninety, or bears the official identification of a handicapped person issued by any other state, or any Canadian Province. (M.G.L. c. 40, s. 22D).

- d) Neither the removal nor storage of any vehicle under the provisions of this section shall be deemed to be services rendered or work performed by the Town and/or Police Department. The contractor shall be liable to the owner of such vehicle for any damage caused to it arising out of negligence in the course of such removal and storage. Liability shall be imposed for the cost of such removal, and for the storage charges, if any, resulting there from, upon the owner of such vehicle. (M.G.L. c. 40, s. 22D).
- e) Vehicles owned by the commonwealth or a political subdivision thereof or by the United States or any instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered, shall not, however, be subject to such removal. (M.G.L. c. 40, s. 22D).

IV. Restrictions:

- a) No person shall park any vehicle or trailer, or place any object, on any way or portion thereof, in such manner as to obstruct the use of such way by the public, or the use of such way by persons having a legal right thereto.
- b) No vehicle, trailer or vessel shall be parked on any property within the town in a manner which obstructs the view of vehicles traveling on or entering onto any way.
- c) No vehicle trailer or vessel which is abandoned or junked (as defined in section III of Holland Police Department policy number 5.06) or unregistered, dismantled, unserviceable or for sale, shall be parked on any way or any portion thereof.
- d) No vehicle or trailer shall be parked in any area which violates the restriction of any sign, signal, device or marking, which has been officially posted for any way, or for any property under the control of the town, including but not limited to, those parking areas located at 23, 27 and 28 Sturbridge Road, as well as those areas under control of the town which are contiguous to Hitchcock Field.
- e) With the exception of vehicles, trailers and vessels utilized by public safety personnel in the course of their duties, no vehicle trailer or vessel shall be parked and left unattended on any portion of parcel identification number R02-A-30/31, (boat ramp and contiguous land located off Shore Drive, which is under the control of the town).
- f) No vehicle or trailer shall be parked in any area which has been officially designated as fire lane.

- g) No vehicle shall be parked in a handicapped designated zone unless such vehicle is, owned and driven by a disabled veteran or handicapped person whose vehicle bears the distinctive number plates authorized by section two of chapter ninety, is transporting a handicapped person and displaying the special parking identification plate authorized by section two of chapter ninety, or is bearing the official identification of a handicapped person issued by any other state, or any Canadian Province. No vehicle shall park or stand on any part of any way under the control of the municipality in such a manner as to obstruct any curb ramp designed for use by handicapped persons as means of egress to a street or public way or obstruct any parking space reserved for such purpose. Vehicles in violation of this section may be removed as outlined in section (III) of this document. (M.G.L. c. 40, s. 22A; 22D).
- h) No vehicle shall be parked in any area which has been officially designated as a bus stop.
- i) With the exception of vehicles, trailers and vessels utilized by public safety personnel in the course of their duties, no vehicle trailer or vessel shall be parked in any area which violates the restriction of any sign, signal, or marking that has been officially posted at the Fisherman's Landing boat ramp, or in violation of the provisions outlined within the Codes of Massachusetts Regulations 320 CMR 2.00, as amended. The Police Department shall have the authority to enforce these regulations pursuant to the land management agreement entered on the (4th day of February, 1994) between the Commonwealth of Massachusetts and the Town of Holland. (M.G.L. 320 CMR 2.00).
- j) Violators may be liable to a penalty for each and every violation outlined in this section.

V. Temporary Restrictions:

- a) In order to eliminate the impediment of the operation of the removal or plowing of snow or ice, from the dates of November 1st through March 31st, no vehicle shall be parked on any way or any portion thereof. Vehicles in violation of this section may be removed as outlined in section (III) of this document. (M.G.L. c. 40 s. 22D)
- b) The Chief of Police or other officers within the Police Department as he/she may from time to time designate, shall be authorized to close temporarily, without notice, any portion of any way, or any portion of any property under the control of the town, and/or prohibit temporarily, without notice, the parking of any vehicle or trailer on any portion of any way, or on any portion of any property under the control of the town, in preparation of an impending emergency, during an existing emergency, for lawful assemblage, demonstration or procession, or in the event of extraordinary circumstances, such as but not limited to, severe weather events, provided there is reasonable justification for such restriction. (MUTCD 2003 Article II Section 2-2; 2-3).

- c) Violators may be liable to a penalty for each and every violation outlined in this section.

VI. Compliance with Traffic Direction:

- a) It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of these rules provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians. Officers of the Police or Fire Department may direct traffic as conditions may require, notwithstanding the provisions of these rules. (MUTCD 2003 Article II Section 2-1).
- b) 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. (MUTCD 2003 Article III Section 3-3).

VII. Exemptions:

- a) The provisions of these rules and orders shall not apply to public safety personnel and other select municipal employees engaged in the performance of their duties, operators engaged in work upon any way closed to travel or under construction or repair, and contactors performing work, provided they have approval from the Chief of Police or his/her designee, and the appropriate work zone safety measures have been taken. When the nature of these functions necessitates a departure from any part of these rules and orders, these exemptions shall not, however, protect these individuals from the consequences of any disregard of the safety of others. (MUTCD 2003 Article II Section 2-4).

VIII. Parking Clerk / Hearing Officer:

- a) The board of selectmen shall designate or appoint a parking clerk, who may also perform other municipal functions except police functions. The parking clerk shall be directly responsible to the board of selectmen and shall supervise and coordinate the processing of parking notices in the town. The parking clerk shall have the authority, subject to the approval of board of selectmen, to hire or designate such personnel and organize such divisions as he/she may deem necessary or contract, by competitive bidding, for such services subject to appropriation to carry out the provisions. (M.G.L. c. 90, s. 20A).
- b) The parking clerk or hearing officer shall, within twenty-one days of receipt of any material received by any person who challenges the validity of a parking violation, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail

shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to judicial review as provided by section fourteen of chapter thirty A of the General Laws of Massachusetts. (M.G.L. c. 90, s. 20A).

IX. Penalties:

- a) Provisions for the non-criminal disposition of violations of the regulations outlined in section II of this document. (M.G.L. c. 40, s. 21D; MUTCD 2003 Article III Section 3-2; 3-5).

Section	Sub-Section	Description of Violation	Fine Amount
II	b	Interfering with Traffic Device	\$20.00
II	c	Obstruction of Traffic Device	\$20.00
II	d, e	Display of Unofficial Traffic Device	\$20.00

- b) Provisions for the disposition of violations of the parking regulations outlined in this document.

Section	Sub-Section	Description of Violation	Fine Amount
IV	a, b	Obstruction of a Way	\$25.00
IV	c, d	Abandoned Vehicle or Trailer	\$25.00
IV	e, f, g	Parking Zone Restriction	\$25.00
IV	h	Handicapped Zone Restriction	\$300.00
IV	i	Bus Stop Zone Restriction	\$100.00
IV	j	Fisherman's Landing Restriction	\$100.00

X. Disposition and Adjudication of Fines:

- a) The schedule of fines for the violation of parking regulations shall be uniform for the same offense committed in the same zone or district, if any, and shall not exceed \$25.00 if paid within (21) days, \$35.00 if paid thereafter but before the parking clerk reports to the registrar as provided, and \$50.00 if paid thereafter, however, the penalty for the violation of parking a motor vehicle within a posted bus stop shall be \$100.00. (M.G.L. c. 90, s. 20A).
- c) The penalty for the violation of a handicapped zone restriction shall contain a penalty of not less than \$100.00, nor more than \$300.00. (M.G.L. c. 40, s. 22A).
- d) The penalty for the violation of the restrictions of the regulations of Fisherman's Landing boat ramp shall be \$100.00. (M.G.L. 320 CMR 2.00).

- e) The authorized notice affixed to a motor vehicle as provided in this section shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto, in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein. (M.G.L. c. 90, c. 20A).
- f) Any person notified to appear before the parking clerk may appear before such parking clerk or his/her designee and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice and the fine provided herein. (M.G.L. c. 90, s. 20A).
- g) Any person notified to appear before the parking clerk without waiving his/her right to a hearing before the parking clerk or hearing officer and also without waiving judicial review as provided by section fourteen of chapter thirty A of General Laws of Massachusetts, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his/her objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. (M.G.L. c. 90, s. 20A).
- h) Failure to properly dispose of violations in accordance with law may result in notification from the parking clerk to the registrar of motor vehicles, who shall place the matter on record, which may result in the non-renewal of the license to drive and the certificate of registration of the registered owner. (M.G.L. c. 90, s. 20A).
- i) All fine payments shall only be made by postal note, money order or check made out to the Parking Clerk. All payments submitted or appeal documents as outlined in section (f) of this document shall be mailed to:

Office of the Parking Clerk
Town of Holland
27 Sturbridge Road
Holland, MA 01521

References for the regulations outlined in this chapter, as amended:

- M.G.L. c. 40, s. 21D
- M.G.L. c. 40, s. 22A
- M.G.L. c. 40, s. 22D
- M.G.L. c. 85, s. 2
- M.G.L. c. 90, s. 1
- M.G.L. c. 90, s. 20A

- M.G.L. 320 CMR 2.00
- Sample Traffic Control Agreement, Part 13, of the Massachusetts Amendments to the Manual on Uniform Traffic Control Devices 2003 Edition and the Standard Municipal Traffic Code, October 2006 (MUTCD 2003)
- Holland Police Department Policy & Procedure Number(s) 5.05; 5.06