

Town of Hardwick Police

Commonwealth of Massachusetts

PARKING RULES & REGULATIONS

The following rules and orders regulating the parking of vehicles upon streets and highways within the Town of Hardwick are hereby enacted by the Board of Selectmen under the provisions of Section 22D of Chapter 40 of the Massachusetts General Laws. (Adopted – STM of 12/29/1971-A. #5)

These rules and regulations are adopted with the intent that each of them shall have force and effect separately and independently of each other except insofar as by express reference or necessary implication to any rule or any part of a rule is made dependent upon another rule or part thereof.

Definitions – for the purpose of these rules and orders, the words and phrases used herein shall have the following meanings, except in these instances where the context clearly indicates a different meaning:

- a. Parking Clerk- the person appointed by the Board of Selectmen under the provisions of MGL Chapter 90, Section 20A to supervise and coordinate the processing of parking violations in the Town. (Adopted – STM of 6/24/1995 – A.#3)
- b. DOT - The Massachusetts Department of Transportation – Highway Division.
- c. Officer- any police officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- d. Vehicle- every device in, upon or which any person or property is or may be transported or drawn upon a street or highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power.
- e. Caution Signal – a flashing yellow signal having the same general functions as a warning signal.
- f. Crosswalk – that portion of a roadway ordinarily included within the extensions of the sidewalk lines, or, if none, then the footpath lines, and at any placed in a highway clearly indicated for pedestrian crossing by lines or markers upon the roadway surface.
- g. Pedestrian – any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.
- h. Sidewalk – that portion of a street or highway set aside for pedestrian travel.
- i. Bicycle – any wheeled vehicle propelled by pedals and operated by one or more persons.
- j. Highway Department – The Highway Department of the Town of Hardwick.
- k. Traffic Island – any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.
- l. Roadway – that portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

- m. Lane – a longitudinal division of a roadway of sufficient width to accommodate the passage of a single line of vehicles, whether or not such lane is indicated by pavement markings or longitudinal construction joints.
- n. Emergency Vehicles – vehicles of the fire department, police vehicles, and such ambulance and emergency vehicles of federal, state or municipal departments as are commonly recognized as such.
- o. RMV – Registry of Motor Vehicles

I. AUTHORITY AND DUTIES OF POLICE

The Chief of Police is authorized to prohibit parking on any street or highway, or part thereof, in an impending or existing emergency, or for a lawful assembly.

The Chief of Police is authorized to close, temporarily, any street or highway in an impending or existing emergency, or for any lawful assembly, demonstration or procession.

It shall be the duty of every police officer to take cognizance of any violation of any rule or regulation regulating the parking of motor vehicles and give the offender a notice as provided in Section 20A of Chapter 90 of Mass. General Laws.

A Police Officer may remove or cause to be removed vehicles found in violation of the Parking Rules & Regulations of the Town of Hardwick.

II. OFFICIAL TRAFFIC SIGNS

The Board of Selectmen is hereby authorized, and as to those signs and signals required hereunder it shall be its duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones and located so as to be visible to approaching drivers; said signs shall conform to the standards proscribed by the DOT.

III. PARKING

No person shall allow, permit, or suffer any vehicle registered in his name to stand or park in any street, way or highway under the control of the Town in violation of any rules and regulations of the Town as authorized under Section 22D of Chapter 40 of the Mass. General laws except with the direction of a police officer or traffic sign.

No person shall stand or park any vehicle in any street, way or highway under the control of the Mass. DOT in violation of the rules & regulations as authorized by Section 2 of Chapter 85 of the Mass. General Laws.

In accordance with these rules and regulations in particular, in any of the following places, no person shall park a vehicle:

1. Within any crosswalk
2. Within any intersection
3. Upon any sidewalk
4. Upon any channelizing or traffic island
5. Upon any roadway in a rural or sparsely settled district
6. Upon any street or highway within ten feet of a fire hydrant
7. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane ten feet wide in each direction for passing traffic
8. Upon any roadway within twenty feet of any intersecting way
9. Upon or in front of any private road or driveway or driveway without the consent of the owner of said road or driveway
10. Upon any roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve inches of the curb or edge of the roadway
11. Upon any roadway where the parking of a vehicle will obstruct or hide from view of any traffic control sign
12. Upon any roadway facing towards the direction of oncoming traffic.

No person shall stop, stand, or park any vehicle upon any roadway, or in a fire lane established by the authority of the Hardwick Fire Department, or within a private way or alley open to public use or furnishing means of access for fire apparatus or other emergency equipment to any dwelling, building, or any other place that might require services of such fire apparatus or other emergency equipment in such a manner as to leave available less than fourteen feet for clear and unobstructed passage of vehicular traffic.

IV. PARKING SPACES RESERVED FOR HANDICAPPED PERSONS

Parking Spaces for the physically handicapped shall be designated in accordance with the rules and regulations of the Architectural Access Board of the Department of Public Safety (521 CMR), and as such standards may be amended. Such spaces shall be identified by above-grade signs with lettering against a blue background bearing the words "Handicapped Parking Special Plate Required. Unauthorized Vehicles May Be Removed at Owner's Expense." Handicapped spaces shall be located nearest to the entrance to the structure.

The owner and/or operator of a vehicle which does not bear the distinctive number plates or placard authorized by MGL. C.90, s.2, a vehicle transporting handicapped persons and which does not display the special parking identification plate authorized by said MGL. C.90, s.2, or a vehicle which does not bear the official identification of a handicapped person issued by any other state or any Canadian province, who parks said vehicle or leaves said vehicle unattended in a public or private on-street or off-street designated handicapped parking space or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

V. PILING SNOW ON TOWN WAY OR HIGHWAY

No person, other than an employee in the service of the town, Mass. DOT employee, or an employee of an independent contractor acting for the Town, shall pile, push or plow snow or ice onto a town way under the control of the Town or a highway under the control of the Mass. DOT.

VI. TOWING

The Chief of Police or police officer of high rank as the police chief may from time to time designate are hereby authorized to remove or cause to be removed to some convenient place any vehicle parked or standing in violation of any of the provisions set forth in these regulations.

The Superintendent of the Highway Department, or other employees as the Superintendent may designate from time to time, may remove or cause to be removed to some convenient place any vehicle parked or standing in violation of snow operation.

The Chief of the Fire Department or other Officer of the Hardwick Fire Department as the Fire Chief may designate from time to time, may remove or cause to be removed to some convenient place any vehicle parked or standing in violation by hampering fire apparatus that are responding to an alarm of fire.

VII. RECORD OF TOWED VEHICLES TO BE KEPT

The Police Department shall keep a record of all vehicles towed or removed under the provisions of these rules and regulations. The Highway Department and the Fire Department after their request for a vehicle tow shall forthwith file a copy of the record of such vehicle tow with the Police Department. Such record shall be retained for one year. The "TOWN OF HARDWICK TOW FORM" for Police, Fire and Highway Department use is attached and hereby made an integral part of these rules and regulations

VIII. PENALTIES – violation fines effective August 13, 2012

\$25.00 FINE

1. More than 12 inches from the curb or side of roadway
2. Parking left side to the curb
3. Parked less than 20 feet an intersection
4. Obstructing excavation or work zone

\$35.00 FINE

5. On or obstructing a sidewalk
6. On or obstructing a crosswalk
7. Parking on a center strip or island
8. Prohibited Zone
9. On or under bridge or causeway
10. Within a intersection
11. Within 5 feet of a driveway or alley
12. Impeding snow removal
13. Use of two or more parking spots

\$50.00 FINE

14. Double parking
15. Obstructing public travel

\$100.00 FINE

16. With-in 10' of a Fire Hydrant
17. Obstructing/with-in a Fire Lane

\$150.00 FINE

18. Illegal use of handicap zone

OTHER 19.

Surcharges on overdue parking tickets shall be added in the following manner:

1. Tickets unpaid after 21 days shall incur an additional charge of five dollars (\$5.).
2. Tickets which continue to be unpaid, and are subsequently reported to the Registry of Motor Vehicles in accordance with the terms of MGL, C.90, Section 20A, shall incur an additional late charge of twenty dollars (\$20.) in addition to any other fee imposed by the Registry for marking such ticket as unpaid and will result in the non-renewal of the license to drive and the registration of the registered vehicle owner.

Failure to obey parking violation notice within twenty-one (21) days will be subject to all penalties as provided in Section 20A of Chapter 90 of the Mass. General Laws.

Tampering or destruction of parking violations notice will be subject to all penalties as provided in Section 20D of Chapter 90 of Mass. General Laws.

IX. Appeals Procedure

Any person receiving a parking violation notice may request, in writing, within twenty-one (21) days, a hearing before the parking clerk as authorized in Section 20A of Chapter 90 of the Mass. General Laws.

X. Massachusetts General Laws, Chapter 90 Section 20A

(refer to statute)

XI. Massachusetts General Laws, Chapter 90 Section 20d

(refer to statute)

XII. Massachusetts General Laws, Chapter 40 Section 22D

(refer to statute)

XIII. Exemptions

These regulations shall not apply to any vehicle owned by the Commonwealth of Massachusetts 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 and so owned or registered.

XIV. ENFORCEMENT

The Board of Selectmen hereby directs the Police Chief or his designees to maintain the log for parking, traffic and towing violations issued by the Police Department, maintain the log for the Superintendent of the Highway Department or his designees for vehicles towed to some convenient place for vehicles that were parked or standing in violation of snow operations and maintain the log for the Fire Chief of the Fire Department or other officers as he may designate for vehicles towed to some convenient place for vehicles that were parked or standing in violation of hampering fire apparatus that are responding to a fire alarm on the Police Department software provided by Information Management Corp. – Citation Violation Program. The Police Chief or his designees shall routinely and in a timely manner provide the Hardwick Parking Clerk so designated, with a copy of each parking, traffic and tow violation issued by the Police Department, each tow violation issued by the Highway Department and Fire Department.

The Board of Selectmen hereby directs the Parking Clerk to supervise and co-ordinate the processing of citation violations issued by the various department of the Town.

The Parking Clerk shall be available to receive fines paid to the Town by mail or in person and shall deposit said fines with the Town Treasurer for deposit into the General Fund of the Town in a timely manner.

The Parking Clerk shall be available to conduct a hearing regarding a Parking Ticket violation which shall be scheduled by the Parking Clerk at the written request of the registered vehicle owner or by an authorized person so designated by the vehicle owner.

A Police Officer shall not act as the Parking Clerk.

BOS adopted Draft 3/26/12 – Added 3/26/12
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