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TOWN OF WELLESLEY | POLICE DEPARTMENT

WELLESLEY, MA 02482
Telephone 781-235-1212

TERRENCE M. CUNNINGHAM
Chief of Police

TO: CHIEF TERRENCE M. CUNNINGHAM

FROM: LT. JACK PILECKI

DATE: May 31, 2006

SUBJ: TRAFFIC REGULATIONS

As you may be aware, Bonita Legassie is in the process of updating the parking attendants ticket machines. She is also looking to update and purchase new parking ticket books used by our officers. Ms. Legassie has asked the police department for input with regards to violation fine increases and traffic regulation changes.

After reviewing the current Town of Wellesley Traffic Regulations and ticket books, I would like to recommend the following amendments.

1. Add a "Fire Lane" violation to **ARTICLE V**, SECTION 5-1 **General Prohibitions** of the Traffic Regulations. Currently, vehicles illegally parked in a Fire Lane are tagged for "Restricted Place or Prohibited Area". The fine is at present $10. Most towns have a separate "Fire Lane" violation. I feel the violation is egregious enough to warrant its own violation and the fine should be $50. If approved, Section 5-7.5 **General Prohibition Towing Zones** needs to be amended to include "Fire lane Violation." Additionally, **Article X Penalties** Section 10-1 paragraph (a) needs to be changed from $20 to $50 and paragraph (b) needs to be amended to include "Fire Lane; $50".

   Chapter 89, Section 7A of the Massachusetts General Laws gives the Town the authority to tag and tow vehicles illegally parked in fires lanes.

2. Add "or Tree Lawn" to the violation on the ticket books next to "Obstruction of Sidewalk". The "Tree Lawn" violation was added to **ARTICLE V**, SECTION 5-1 **General Prohibitions** on September 8, 1986 and this would clarify the infraction when a vehicle is tagged for parking on the tree lawn.

3. Increase the distance in **ARTICLE V**, SECTION 5-1 **General Prohibitions** (g) from 10 feet to 12 feet. This paragraph refers to vehicles parked on a roadway where the parking of the vehicle does not leave a clear and unobstructed lane of travel for passing traffic. Given the size of vehicles today, 12 feet is more appropriate and this change would bring

the town in line with other cities and towns. The violation is not currently included under **ARTICLES X PENALTIES.** I would suggest it be added as a $15 fine. Additionally, the violation needs to be added to the ticket books and the change in distance reflected under Section 5-7.5 **General Prohibition Towing Zones**.

4. The Parking Meter violations need to be updated. Currently, the ticket books only list "Overtime Parking". I propose adding another violation to the ticket books entitled "Unpaid Meter (Parked or Standing)"

   The "Unpaid Meter" violation is already listed under **ARTICLE V**, SECTION 5-3.4. It would have to be added to **Article X Penalties** Section 10-1 paragraph (b). This violation would be used when a vehicle is parked in a metered space and no money has been deposited in the meter. The fine should be $15.

5. Under SECTION 5-2 **Parking Locations and Prohibitions**, change the verbiage from "Parking is prohibited" in the first line to "Parking or Standing is prohibited". This change would enable officers and meter attendants to tag vehicles in violation of the No Parking regulations when the vehicle is "live parked". Currently, if a vehicle is running with the operator behind the wheel in a No Parking zone, they are not technically parked.

6. Add to SECTION 5-1 **General Prohibitions** "upon any way where the vehicle interferes with the removal or plowing of snow, or removal of ice". Occasionally during the winter months, the DPW requests a vehicle be removed from a road because it is interfering with snow plowing. The police response is to attempt to locate the owner and have them remove the vehicle. If this is not possible, the vehicle is towed under the authority of the DPW director citing the Town By-law 49-6. The police policy is to tag the vehicle first and currently we use the violation "Restricted or Prohibited Area". This amendment would make it clearer to the violator why the vehicle was tagged and towed.

   If this amendment is accepted, we would have to add to SECTION 5-7.5 **General Prohibition Towing Zone** "upon any way where the vehicle interferes with the removal of plowing of snow, or removal of ice". Additionally, **ARTICLE X PENALTIES,** SECTION 10-1 would have to reflect the new violation with a proposed fine of $15 and the violation needs to be added to the ticket books as "Obstructing Snow Removal".

7. Increase the following fines for Parking violations:
   "Restricted place or prohibited area" from $10 to $15
   "Parking within 10 feet of hydrant" from $15 to $25
   "Overtime parking" from $10 to $15
   "Over one foot from the curb" from $5 to $15
   "Improper use of meter space" from $5 to $15
   "Double parking" from $15 to $20

RESPECTFULLY SUBMITTED:

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LIEUTENANT JACK PILECKI
PATROL COMMANDER

Proposed Parking Ticket Violation Updates

Violations	Current Fine	Proposed Fine
Restricted place or prohibited area	$10	$15
Parking within 10 feet of hydrant	$15	$25
Obstructing a driveway	$15	$15
Parking within 20 feet of intersecting way	$15	$15
Parking in the wrong direction	$15	$15
Over time parking	$10	$15
Over one foot from curb	$5	$15
Improper use of meter space	$5	$15
Obstructing a sidewalk **or tree lawn**	$15	$15
Obstructing a crosswalk	$20	$20
All night parking	$15	$15
Handicapped parking	$100	$100
Double parking	$15	$20

New Violations

Fire Lane Violation	$50
Unpaid meter (parked or standing)	$15
Less than 12 foot unobstructed lane	$15
Obstructing snow removal	$15

June 5, 2006

Town of Wellesley

Traffic Regulations

* Redlined version of pages affected by parking violation updates

ARTICLE V
STOPPING -- STANDING -- PARKING --TOW-AWAY ZONES

SECTION 5-1 **General Prohibitions** - Except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal, no person shall allow, permit, or suffer any vehicle under his control or registered in his name to stand or park in any street way, highway, road or parkway under control of the Town of Wellesley in violation of any of the Traffic Rules or Orders adopted by the Board of Selectmen and in particular in any of the following places:

(a) Within an intersection except in those intersections where the installation of parking meters has been approved by the Massachusetts Department of Public Works.

(b) Upon any sidewalk *or tree lawns* (9/8/86)

(c) Upon a bridge, provided official signs are erected, except as provided in Section 5-3.2.

(d) Upon any crosswalk.

(e) Upon the roadway in a rural or sparsely settled district.

(f) Upon a roadway where parking, other than angle parking, is permitted, unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway - provided however that upon one way streets parking vehicles shall be headed in the direction designated for traffic and in the manner above required.

(g) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (12~~0~~) feet wide for passing traffic.

(h) Upon any street or highway within ten (10) feet of a fire hydrant.

(i) Upon any street or highway within twenty (20) feet of any intersecting way.

(j) Within fifteen (15) feet of the wall of a fire station or directly across the street from such station provided signs are erected acquainting the driver with such restrictions.

(k) In front of any private way or driveway.

(l) At bus stops, provided official signs are erected, except buses, and no person shall park a bus within a business district at any other than a bus stop, when a nearby bus stop is available for use.

(m) At taxicab stands, provided official signs are erected, except taxicabs, for a period of time longer than fifteen (15) minutes unless actually engaged in loading or unloading, and in no case for a period of time longer than one-half hour, and no person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs, except while engaged, or while waiting for an opportunity to use a taxicab stand designated for his use.

(n) ~~(n)~~ On the roadway side of any vehicle stopped or parked at the edge or curb of a street in such manner as to constitute double line or multiple line parking.

(o) In any Fire Lane

(p) Upon any way where the vehicle interferes with the removal or plowing of snow, or removal of ice

SECTION 5-2 **Parking Locations and Prohibitions** - Parking or standing is prohibited, restricted or limited as to time, space and streets in accordance with a schedule of streets designated as Schedule I, on file in the office of the Board of Selectmen, a copy of which is on file at the Police Department, to which reference is made and which Schedule I is specifically incorporated in this section.

SECTION 5-2.1 Angle Parking - There shall be 45 degree angle parking allowed on streets as designated as Schedule XI, on file in the office of the Board of Selectmen, a copy of which is on

file at the Police Department, to which reference is made and which Section XI is specifically incorporated in this section. (1/85)

SECTION 5-3 **Parking Meters**

SECTION 5-3.1 Pursuant to the Provisions of General Laws, Chapter 40, Section 22A, the installation, location, maintenance and operation of parking meters shall be under the supervision and direction of the Board of Selectmen. Meters shall be so constructed as to display a signal showing legal parking upon the deposit therein of the proper coin or coins of the United States as indicated by instructions on said meters and for such period of time as is or shall be indicated by instructions on said meters and for such period of time as is or shall be indicated by these Regulations.

SECTION 5-3.2 Parking is restricted or limited as to time and space on streets or parts of streets listed in a schedule designated as Schedule I-A, on file in the office of the Board of Selectmen, a copy of which is on file at the Police Department, to which reference is made and which Schedule I-A is specifically incorporated in this section. No person shall park a vehicle for a period of time longer than two hours between the hours of 8:00 A.M. and 6:00 P.M. on any of the streets or parts of streets hereinafter designated in Schedule I-A *except where so designated by specific signage.* This restriction shall not apply on Sundays or during the hours of legal holidays. (5/96)

In accordance with the foregoing, parking meter zones are hereby established in the streets or parts of streets listed in Schedule I-A.

SECTION 5-3.3 Parking meter spaces shall be established by the Board of Selectmen in such parking meter zones, and shall be indicated by white markings upon the surface of the highway.

Nothing contained in this parking meter section shall be construed to prohibit the Board of Selectmen from making provision for bus stops, taxicab stands, service or loading zones as authorized by other sections of the Traffic Regulations on any street or portion of street listed in Schedule I-A.

SECTION 5-3.4 Whenever any vehicle shall be parked adjacent to a parking meter, the operator of said vehicle shall park within the space designated by street marking lines and, upon entering such space, shall immediately deposit in said meter the required coin of the United States for the maximum legal parking period or proportionate period thereof, both as indicated on the meter and if so required set the mechanism in motion.

SECTION 5-3.5 The fee for parking shall be ten (10) cents for twenty minutes or twenty-five (25) cents for one hour or fifty (50) cents for two hours, as shown on the meter. (5/21/90)

It shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of permitting the vehicle of which he is in charge to remain in a parking space beyond the maximum period of time allowed in a particular zone.

SECTION 5-3.6 It shall be unlawful for any person to park a vehicle within a parking meter space unless such vehicle is wholly within the painted lines adjacent to such meter.

SECTION 5-3.7 It shall be unlawful for any unauthorized person to tamper with, break, injure or destroy any parking meter or to deposit or cause to be deposited in such meter any slugs, device or metallic substance or any other substitute for the coins required.

~~SECTION 5-3.8 The Chief of Police is hereby designated as the person authorized to collect monies deposited in parking meters or to cause the same to be so collected. Such monies shall be deposited forthwith with the Town Treasurer in a separate account to be known as the Wellesley Parking Meter Account. All fees received by said Town Treasurer of the Town of Wellesley from~~

~~the operation and use of parking meters shall be used by the Board of Selectmen and the Town of Wellesley as authorized by said Chapter 40, Section 22A of the General Laws.~~ (Deleted 07/02)

SECTION 5-4 It shall be the duty of police officers to enforce the provisions of Section 5-3.

Any person who violates any parking meter provision of these Regulations, or Rules and Orders, shall be subject to the penalties provided by Article X of these Rules and Orders and any other violation shall be punishable as may be provided by law.

SECTION 5-5 **Parking Vehicles for Sale Prohibited** - No person shall park upon any street any vehicle displayed for sale.

SECTION 5-6 **No All Night Parking** - No person shall park any vehicle, except in an emergency, on any street for a period of time longer than one (1) hour between the hours of 2 A.M. and 6 A.M. of any day.

SECTION 5-7 **Tow-away Zone Regulations**

SECTION 5-7.1 **In General** - In accordance with the provisions of Chapter 40, Section 22D of the General Laws, the Board of Selectmen of the Town of Wellesley hereby enacts the following regulations authorizing the removal to a convenient place of vehicles parked or standing in such manner, or in such areas as are hereinafter described on any way under the control of the Town of Wellesley. Vehicles specifically exempt by Chapter 40, Section 22D of the General Laws shall not, however, be subject to such removal.

SECTION 5-7.2 **Authorization of Police** - The moving or towing of any vehicle under the provisions of this section shall be by and at the direction of the Chief of Police or such other officer(s) of the rank of Sergeant or higher as he may from time to time designate.

SECTION 5-7.3 **Fees**- The Board of Selectmen may impose upon the owner of any vehicle moved or towed to a convenient place under the provisions of this section, such fees for towing, storage or other services as it may deem appropriate. Under no circumstance, however, shall the amount of said fees exceed the maximum amounts established by the Massachusetts Department of Telecommunications and Energy. (5/01)

SECTION 5-7.4 **Liability for Damage During Removal or Storage** - The Contractor shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage.

SECTION 5-7.5 **General Prohibition Towing Zones** - No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:

(a) Upon any sidewalk or tree lawn.
(b) Upon any crosswalk.
(c) Upon any way within twenty (20) feet of an intersecting way except alleys.
(d) Upon a way within ten (10) feet of a fire hydrant.
(e) On the roadway side of any vehicle stopped or parked at the edge or curb of the way.
(f) In front of a public or private driveway.
(g) Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (12~~0~~) feet wide for passing traffic.
(h) ~~(h)~~ In any bus stop.
(i) In any Fire Lane.

(j) Upon any way where the vehicle interferes with the removal or plowing of snow, or removal of ice.

Vehicles found in violation of the provisions of this section, except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the Police Department and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as set forth in subsection 7.3 of this Article. The owner of any vehicle removed or towed away under the provision of this Section shall also be subject to the penalties provided in Article X of these Rules and Orders.

SECTION 5-7.6 **Parking Prohibitions, Towing Zone** - No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the ways or parts of ways described and during the periods of time set forth in a schedule designated as Schedule I on file in the office of the Board of Selectmen, a copy of which is on file at the Police Department to which reference is made and which Schedule I is specifically incorporated in this section. Vehicles found in violation of the provisions of this section except those specifically exempted by law shall be removed to a convenient place under the direction of an officer of the Police Department and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as is set forth in subsection 7.3 of this Article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in Article X of these Rules and Orders.

SECTION 5-7.7 **Official Traffic Signs** - The provisions of Section 5-7.6 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "Tow-Away Zone" are installed, erected, maintained and located so as to be visible to approaching drivers, said signs to be appended above or incorporated into the legend of Parking Prohibition Signs.

SECTION 5-7.8 **Police to Keep Record of Towed Vehicles** - The Police Department shall keep a record of all vehicles towed or removed under the provisions of this section. Such record shall be retained for one (1) year and shall contain the following information:

(a) The registration of the vehicle.
(b) The location from which it was towed, and time and date of tow order.
(c) The location to which it was moved.
(d) The fee charged for towing.
(e) Name of towing contractor, if any.
(f) Name and rank of officer who authorized towing.

SECTION 5-7.9 ***Service Zones*** *- No person shall park a vehicle upon any street in any service zone for a period of time longer than thirty (30) minutes and except while actually loading or unloading, in accordance with a schedule of such zones designated as SCHEDULE VII on file in the office of the Board of Selectmen.*

ARTICLE X
PENALTIES

SECTION 10-1 Any person who violates any provision of the foregoing rules shall be punished:

a) by a fee not exceeding ~~twenty~~fifty dollars for each offense, except as otherwise provided by statute, and

b) by a fine for each offense for parking violations, under the provisions of Chapter 90, Section 20C of the General Laws as hereinafter set forth: Restricted Place or Prohibited Area $1~~0~~5.00; Parking within 10 ft. of Hydrant $2~~1~~5.00; Obstructing a Driveway $15.00; Parking within 20 ft. of an Intersecting Way $15.00; Wrong Direction $15.00; Overtime Parking $15~~0~~.00; Over 1 ft. from Curb $15.00; Improper Use of Meter Space $15.00; Obstructing a Sidewalk or tree lawn $15.00; Obstructing a Crosswalk $20.00; All Night Parking $15.00; Handicapped Parking $100.00; Double Parking $20.00; Fire Lane Violation $50.00; Unpaid Meter $15.00, Less than 12 foot unobstructed lane $15.00; Obstructing snow removal $15.00.

(as amended September 11, 1989, ~~and~~ November 1, 2000, and June 12, 2006)

Current tickets
Wellesley / Ma.

VIOLATION 284951

REGISTRATION	VEHICLE MAKE
STATE: Ma / OTHER	VEHICLE COLOR
PLATE TYPE: PA CO OTHER	PLATE COLOR: G R A M S
MONTH / DATE / YEAR / TIME	AM TO PM — AM TO PM
LOCATION of VIOLATION	METER
OFFICER / I HAVE AFFIXED THIS NOTICE TO VEHICLE	BADGE

CODE	VIOLATION	FINE	CODE	VIOLATION	FINE
1.	Restricted Place or Prohibited Area	$10.00	8.	Improper Use of Meter Space	$ 5.00
2.	Parking Within 10 Ft. of Hydrant	$15.00	9.	Obstructing a Sidewalk	$15.00
3.	Obstructing a Driveway	$15.00	10.	Obstructing a Crosswalk	$15.00
4.	Parking Within 20 Ft. of an Intersecting Way	$15.00	11.	All Night Parking	$15.00
5.	Wrong Direction	$15.00	12.	Handicapped Parking	$25.00
6.	Overtime Parking	$10.00	13.	Double Parking	$15.00
7.	Over 1 Ft. from Curb	$ 5.00			

Place check or money order, payable to the Town of Wellesley, in this envelope and mail within 21 days. Or an authorized person may bring this ticket and payment to Office of the Parking Clerk, Town Hall, Wellesley, Ma Monday and Friday 9:00 AM - 12:00 PM or Tuesday, Wednesday and Thursday 1:00 PM - 4:00 PM. If payment is made after 21 days, this fine is increased to $20.00, except code 12 which increases to $35.00. Please write ticket number(s) on front of check or money order to insure proper credit.

PLEASE PEEL OFF TAPE AND FOLD FLAP TO SEAL ENVELOPE.

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