

APPENDIX A SELECTED STATE ACTS

CHAPTER 455, ACTS OF 1961

An Act establishing a Department of Traffic and Parking in the City of Cambridge as amended by Section 7 of Chapter 786 of the Acts of 1962, Chapter 340 of the Acts of 1972, Chapter 239 of the Acts of 1977, Chapters 166, 424, and 585 of the Acts of 1981 and Chapter 441 of the Acts of 1991.

Be it enacted, as follows:

Section 1. There is established in the City of Cambridge hereinafter referred to as the City, a department of traffic and parking, consisting of a director of traffic and parking, hereinafter referred to as the traffic director and such staff as may be appointed. The traffic director shall be a traffic engineer, possessing the qualifications required for associate or full membership in the Institute of Traffic Engineers. He shall be appointed and may be removed by the city manager. The traffic director's compensation shall be fixed by the city council. Upon recommendation of the traffic director, the city manager shall have the authority to create subordinate staff positions in the department of traffic and parking including parking control officers. The traffic director shall make appointments to such subordinate positions. The city manager may appoint persons to fill these positions and may remove them pursuant to law. The traffic director shall not be subject to the provisions of Chapter thirty-one of the General Laws.

Section 2. There is also established in the City of Cambridge a board of traffic and parking, hereinafter referred to as the traffic board, consisting of three citizen members to be appointed by the city manager. Of the members first appointed by said manager, one shall be appointed for a term of three years. Upon the expiration of the term of a member his successor shall be appointed for a term of three years. Members shall be eligible for reappointment. No person holding public office in said city and no salaried employee of said city shall be eligible for appointment. A member shall not receive any compensation for his services, but shall be reimbursed for all reasonable expenses incurred by him in carrying out his duties. The city manager shall each year designate one of the members to serve as chairman of the traffic board.

The traffic board shall carry out the functions prescribed for it in clause (a) of section three and, in addition, shall be available to the traffic director for advice and consultation with respect to all of his activities.

Meetings of the traffic board shall be called by the chairman either on his own motion or on request of the traffic director. Notice of meetings shall be sent to the board members, the traffic director, the planning director, the chief of police, the chief of the fire department and the commissioner of public works. All of said persons may attend board meetings and may present their views, but only board members may vote.

Section 3. The traffic director shall have exclusive authority, except as otherwise provided in this act, to take any and all of the following actions, if he determines that such actions serve the public safety, welfare or convenience. Subject to the provisions of section two of chapter eighty five of the General Laws:-

(a) The traffic director may adopt, alter or repeal rules and regulations, not inconsistent with general law as modified by this act, relative to vehicular and pedestrian traffic in the streets of the city and to the movement, stopping, standing, or parking of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the city, including the restricting of parking in the three spaces located in front of #2050 Massachusetts Avenue except by the visitors to the North Cambridge Senior Center and including rules and regulations designating any way or part thereof under such control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws. Any rule or regulation adopted under this clause, prohibiting the parking or standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads or parkways under the control of the city may provide that it shall not apply in such residential areas as shall be specified, and at such times as shall be prescribed, in such rule or regulation, to any motor vehicle registered under chapter ninety, Section 2 of the General Laws as principally garaged in the city and owned or used by a person residing in such area who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule and regulation shall prescribe and filed with the chief of police, notice of intention to park in such area and shall display in a conspicuous place on such vehicle, while parked, such visible evidence of the giving of such notice as such rule or regulation shall prescribe; but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed to assign any specific space to any person or vehicle. The traffic director may prescribe a schedule of fines not exceeding fifteen dollars for each violation of parking regulations in the calendar year as authorized by section twenty C of

chapter ninety of the General Laws. All other violations of regulations adopted under the provisions of this act, except as otherwise provided by statute, shall be subject to fines not to exceed fifty dollars for each offense as set forth in the regulations.

No such adoption, alteration or repeal shall take effect until public notice of the proposed action has been given, except with respect to such special rules or regulations as are declared by the traffic director to be urgently required for the public safety or welfare or such as are of a temporary nature and are to be effective for a period of not more than three weeks. Public notice shall be given by publication in full of the proposed adoption, alteration or repeal not less than once in each of three successive weeks in one or more newspapers published or distributed in the city. The public notice shall include a statement of the effective date of the proposed action, which shall not be less than twenty-one days following the first of the three newspaper publications. Upon the filing of petitions with the traffic board by not less than fifty registered voters of the city, relative to any rule or regulation proposed to be adopted, altered or repealed and not yet in effect, the proposed action shall be suspended and the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed and shall by majority vote approve or disapprove the proposed action within two weeks following the public hearing.

Upon the filing of petitions with the traffic board by not less than (50) fifty registered voters of the city, relative to any rule or regulation which has been adopted, altered or repealed for a period of at least thirty days, the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed and shall, following such hearing determine by majority vote whether to void the adoption, alteration or repeal of the rule or regulation.

(b) The traffic director may erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of traffic and parking in the city and for informing and warning the public as to rules and regulations adopted under this act, subject, however, to section two of chapter eighty-five and to sections eight and nine of chapter eighty-nine of the General Laws.

(c) The traffic director may recommend to the city council the alteration, construction, erection, installation and maintenance of street lights.

(d) The traffic director with the approval of the city manager may retain the services of qualified consultants when such retention is deemed necessary or advisable.

(e) The traffic director may promulgate regulations which provide that the traffic director, or such members of his staff as he may from time to time designate, or the chief of police or such police officers as he may from time to time designate, may remove or cause to be removed to some convenient place, through the agency of a person or persons in the employ of the department of traffic and parking, or by an independent contractor, any vehicle parked or standing on any part of any way under the control of the city in such manner as to impede in any way the removal of plowing of snow or ice or in violation of any rule or regulation adopted under this section which prohibits the parking or standing of all vehicles on such part at such time and recites that whoever violates it shall be liable to charges for the removal and storage of the vehicle as well as subject to punishment by fine, and said regulations may impose liability for the reasonable cost of such removal, and of the storage charges, if any, resulting therefrom on the owner of such vehicle. Said regulations may also provide that if a vehicle is removed pursuant to a rule or regulation adopted under this section, such vehicle shall be held until all charges lawfully imposed for such removal and storage have been paid and if in the calendar year in which such vehicle is so removed and in the preceding calendar year, five or more notices, in the aggregate, have been affixed to said vehicle as provided in section twenty C of chapter ninety of the General Laws, until due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited. Said regulations may also provide that a motor vehicle may, in any calendar year, if in such year and in the preceding calendar year, five or more notices, in the aggregate, have been affixed to said vehicle as provided in said section twenty C and have not been disposed of be removed and stored, as provided in this clause, until all charges lawfully imposed for such removal and storage have been paid and due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited. The police department shall promptly mail written notice to the registered owner of any such vehicle so removed, directed to the address furnished by the registry of motor vehicles or comparable agency of the state in which said vehicle is registered, stating the date on which such vehicle was removed, the location to which it has been removed, and a statement that it will be released on the payment of all fines, storage and towing charges due. Any such vehicle so removed shall be deemed to have been abandoned and may be disposed of in accordance with section twenty-two C of said chapter ninety, if, within thirty days of mailing of the notice to the registered owner as provided for herein, said owner has not paid all charges imposed for such removal and storage, and due notice has not been received that either the fines provided in the notices affixed to said vehicle have been paid or security for the payment thereof has been

deposited. 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, and except also a vehicle owned by a disabled veteran and bearing a distinctive number plate authorized by section two of said chapter ninety, shall not, however, be subject to such removal.

(f) The traffic director may promulgate regulations which provide that the traffic director, or such members of his staff as he may from time to time designate, or the chief of police, or such police officers as he may from time to time designate, may impound, by means or a "Denver Boot", so-called, or other immobilization devices, or cause to be impounded, through the agency of a person or persons in the employ of the department of traffic and parking or the police department, or by an independent contractor, any vehicle parked or standing on any part of any way under the control of the city, if in the calendar year in which such vehicle is so impounded and in the preceding calendar year, five or more notices, in the aggregate, have been affixed as provided in section twenty C of chapter ninety of the General Laws, until due notice has been received that either the fine provided in such notices has been paid or security for the payment thereof has been deposited. Said regulations may impose liability for the reasonable cost of such impoundment on the owner of such vehicle and may provide that if a vehicle is so impounded, such vehicle shall be held until all charges lawfully imposed for such impoundment have been paid. The traffic and parking department or the police department shall promptly mail written notice to the registered owner of any such vehicle so impounded, directed to the address furnished by the registry of motor vehicles or comparable agency for the state in which said vehicle is registered, stating the date on which such vehicle was impounded, the location at which it was impounded, and a statement that it will be released on the payment of all fines and charges lawfully imposed for such impoundment. Any such vehicle so impounded shall be deemed to have been abandoned and may be disposed of in accordance with section twenty-two C of said Chapter ninety, if, within thirty days of the mailing of the notice to the registered owner as provided for herein, said owner has not paid all charges imposed for such impounding, and due notice has not been received that either the fines provided in the notices affixed to said vehicle have been paid or security for the payment thereof has been deposited. 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 a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered and except also a vehicle owned by a disabled veteran and bearing a distinctive number plate authorized by section two of said chapter ninety, shall not, however, be subject to such impoundment. Nothing in this act shall be construed to authorize the traffic director to adopt, alter or repeal any rule or regulation excluding the trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which said company has a location; or to modify or limit any power or authority of the metropolitan district commission, state department of public works or state department of public utilities; or modify or limit any power or authority of the mayor, city council, city manager or of any board or head of a department with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks for reasons not relating to traffic.

Section 4. The planning director, the chief of police, the chief of the fire department, the commissioner of public works, the city engineer, the city electrician and city solicitor shall be available to the department of traffic and parking to advise on matters relating to their respective departments and shall be responsible for putting into effect the rules and regulations adopted by the department of traffic and parking in so far as such rules and regulations relate to their respective departments. The traffic director shall co-operate with the planning board and with such public carriers as may be authorized and licensed to render service within the city, on matters relating to traffic and planning, and shall co-operate with the planning board on all matters that may relate to the need for, location, construction, erection and maintenance of public parking facilities or of private parking facilities for public use within the city. When it is necessary to co-ordinate with federal, state or other local agencies on matters of traffic movement and traffic planning, the traffic director may serve as liaison for the city.

Section 5. Chapter one hundred and sixty-three of the acts of nineteen hundred and thirty-two is hereby repealed.

Section 6. Section 20A of chapter 90 of the General Laws is hereby amended by striking out the fifth paragraph, inserted by section 3 of chapter 233 of the acts of 1961 and inserting in place thereof the following paragraph:

The Boston traffic commission shall from time to time establish, with the approval of the city council of the city of Boston, in accordance with the provisions of the charter of said city, by rule or regulation, a schedule of fines for

offenses subject to this section committed in the city of Boston; provided, however, that the Boston traffic commission shall not establish under the provisions of this paragraph any fine exceeding fifteen dollars.

Section 7 The city of Cambridge shall from time to time establish by ordinance a schedule of fines for offenses subject to section twenty A of chapter ninety of the General Laws and committed in the city of Cambridge; but said city shall not establish any fine for any such offense which shall exceed fifteen dollars.

Section 8. Sections six and seven of this act shall take effect upon its passage. Sections one to five, inclusive and section nine of this act shall take effect, and section seven shall be repealed, upon acceptance by vote of the city council of said city, subject to the provisions of its charter. All existing ordinances and regulations relating to the control of vehicular traffic, including those relating to the parking of vehicles on any streets, ways, highways, roads and parkways, under the control of the city, shall remain in full force and effect until superseded by rules and regulations adopted by the traffic director pursuant to clause (a) of section three, and the adoption thereof shall not affect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending at the time of such adoption.

Section 9. At any time after the expiration of four years from the date of acceptance of this act, such acceptance may be revoked by a two thirds vote of the city council. Upon such revocation, all existing rules and regulations shall remain in full force and effect until superseded by ordinances and regulations adopted in accordance with the provisions of law then applicable to said city and neither such revocation nor such adoption of superseding ordinances or regulations shall effect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending, prior to said revocation or said adoption.