

ARTICLE XIX

PENALTIES AND PROCEDURE ON ARREST

Sec. 19.1 PENALTIES

Unless another penalty is expressly provided as described in Schedule 13, Section 21.2 hereof, every person convicted of a violation of any provision of these regulations shall be punished by a fine of not more than three hundred (\$300.00) dollars for each offense.

Sec. 19.2 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING

In a prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prime facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Sec. 19.3 TOW AWAY ZONES

- (a) The Traffic Director or such members of his/her staff as he/she may from time to time designate, or the Police Commissioner or such Police officers as he/she may from time to time designate are hereby authorized, with such limitations as are, or may be hereinafter set forth, to remove or cause to be removed to some convenient place any vehicle parked or standing within the limits of any street under the jurisdiction of the City of Cambridge, in violation of any of the provisions set forth in Sections 14.1, 14.4, 14.5(c,d), 14.9, 14.10 as described in Schedule G, 15.2 as described in Schedule H, 15.3 as described in Schedules J & K, 16.5 as described in Schedule 8, 16.6 as described in Schedule L, 16.7 and 16.8 as described in Schedule 9 of these regulations; and in any place where official traffic signs prohibit the parking of vehicles provided such signs bear the legend "Tow-Away Zone" as described in Schedule 6A, 6B, 6D, 6E and 7A and in any place where official traffic signs prohibit the stopping or standing of vehicles provided such signs bear the legend "Tow Away Zone".
- (b) When vehicles are removed as authorized in Paragraph (a) above, the owner of the vehicle so removed or towed away shall be liable for the cost of such removal and storage charges as follows:
 - (1) Removal or Towing fee not to exceed that which is provided in and as authorized in G.L. c.40, §22D .
 - (2) Storage fee not to exceed that which is provided in and as authorized in G.L. c.40, §22D.
- (c) 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.
- (d) The Emergency Communications 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:
 - (1) The registration of the vehicle;
 - (2) The location from which it was towed and time and date of tow order;
 - (3) The location to which it was moved;
 - (4) The fee charged for towing;
 - (5) Name of towing contractor, if any;
 - (6) Name and rank of officer who authorized towing.
- (e) The provisions of this section shall not apply to any vehicle specifically exempt by G.L. c.40, §22D.

Sec. 19.4 IMPOUNDING OF REPEATEDLY TAGGED MOTOR VEHICLES

- (a) The Traffic Director, or such members of his/her staff as he/she may from time to time designate or the Police Commissioner, or such Police Officers as he/she may from time to time designate, may impound by means of a mechanical device or cause to be impounded, through the agency of a person or persons in the employ of the Traffic Department 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 five or more notices have been affixed as provided in G.L. c.90, §20 A1/2 and remain unpaid. The cost of impounding, removal and storage resulting there from shall be at the expense of the registered owner. Any vehicle so impounded shall be held until all charges imposed for impounding, removal, storage and parking fine notices have been paid.
- (b) The Traffic Department or the Police Department shall promptly mail written notice to the registered owner of 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 such vehicle has been removed, and a statement that the vehicle shall be released by the City on the payment of all fines, storage and towing charges due. Vehicles owned by the Commonwealth or a political subdivision thereof or by the United States or any instrumentality hereof 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 G.L. c.90, §2, shall not, however, be subject to such impoundment.

- (c) Any such vehicle so removed shall be deemed to have been abandoned and may be disposed of in accordance with G.L. c.90, §22C 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 removal and storage following the same and the fines providing such notices affixed to said vehicle.