

APPENDIX B
SELECTED STATE ACTS, ORDINANCES AND REGULATIONS
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 and Chapters 166, 424, and 585 of the Acts of 1981.

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 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.



CITY OF CAMBRIDGE

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April 27, 1993

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Cambridge Resident Parking Sticker Program

Dear Mr. Healy:

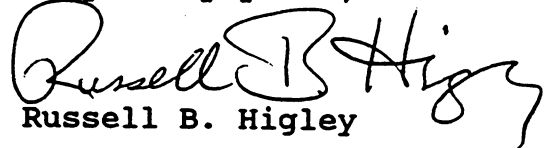
By memorandum dated March 22 (copy attached), the Traffic Director has requested my opinion as to "whether we can install Resident Parking in areas that are not zoned for residential use."

I attach a copy of the first two pages of St. 1961, c. 455, which established the Department of Traffic and Parking. This Act was amended by St. 1972, c. 340, which authorized the resident parking sticker program. Chapter 340 added the sentence beginning "any rule or regulation ..." which I have marked in red. This sentence refers to "... such residential areas as shall be specified"

Thus, the question is whether "residential areas" are necessarily areas which are zoned residential.

I have not found any authority on this question. It would seem to me, however, that an area could be "residential" without being zoned residential. Thus, an area could be zoned commercial, but could still be made up entirely of residences. Such an area, I believe, could be termed a "residential area."

Very truly yours,


Russell B. Higley

RBH/jml
Enclosure



CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

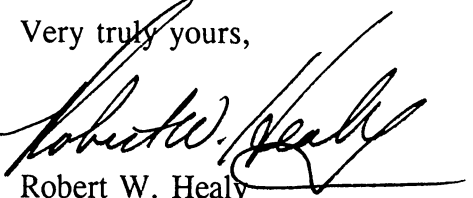
RICHARD C. ROSSI
Deputy City Manager

June 7, 1993

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 22, regarding options which could be enacted to provide assistance to residents with parking meters in front of their homes, received from Russell B. Higley, City Solicitor relative to this matter.

Very truly yours,


Robert W. Healy
City Manager

RWH/mev
attachment

Consent Agenda #4

Awaiting Report #22 RE: providing
assistance to residents with parking
meters in front of their homes.

S 271

In City Council,
June 7, 1993

placed on file