

Chapter 18 TRAFFIC AND MOTOR VEHICLES*

ARTICLE I. IN GENERAL

Section 18-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Bus stop means an area in the roadway set aside for the boarding of or alighting from and the parking of buses.
- (b) Crosswalk means that portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.
- (c) Emergency vehicle means vehicles of the fire department, police vehicles, ambulance and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency in relation to the police or fire departments.
- (d) Funeral means any procession of mourners, properly identified as such, accompanying the remains of a human body.
- (e) Heavy commercial vehicle means a vehicle having a carrying capacity of more than two (2) tons.
- (f) Intersection means the area embraced within the extensions of the lateral curb lines, or, if none, then the lateral boundary lines, of intersecting ways as defined in section 1 of chapter 90 of the General Laws, including divided ways. The provisions of this chapter governing and restricting the movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals, whether or not such place is an intersection as herein defined.
- (g) Lane means a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.
- (h) Officer means any person who has police powers to act within the jurisdiction of the city.
- (i) Official street marking means any painted line, marking or marker placed in or upon any way by authority of these ordinances and which complies with the standards of the state department of public works.
- (j) Official traffic signals means all signals, conforming to the standards as prescribed by the state department of public works.
- (k) Official traffic signs means all signs, markings and devices, other than signals, not inconsistent with these ordinances, and which conform to the standards prescribed by the state department of public works.
- (l) Parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.
- (m) Pedestrian means any person afoot or riding on a conveyance by human power, except bicycles or tricycles.

- (n) Railroad crossing means any intersection of ways with a railroad right-of-way.
- (o) Roadway means 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.
- (p) Rotary traffic means the counter-clockwise operation of a vehicle around an object or structure.
- (q) Safety zone means any area or space set aside within a roadway for the exclusive use of pedestrians and which has been indicated by signs, lines or markings, conforming to the standards of the state department of public works.
- (r) Service zone means an area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.
- (s) Sidewalk means that portion of a street or highway set aside for pedestrian travel.
- (t) Street or highway means the entire width between property lines of every way open to the use of the public for purposes of travel.
- (u) Taxicab stands means an area in the roadway in which certain taxicabs are required to park while waiting to be engaged.
- (v) Traffic means pedestrians, ridden or herded animals, vehicles, or other conveyances either single or together, while using any street or highway for the purpose of travel.
- (w) Traffic control area means any area along any way, other than an intersecting way, at which drivers are to be controlled by traffic control signals.
- (x) Traffic control signal means any device using colored lights which conforms to the standards as prescribed by the state department of public works, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.
- (y) Traffic island means any area or space set aside, within a roadway, which is not intended for use by vehicular traffic. U-turn means the turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.
- (z) Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

(Rev. Ords. 1976, T.O. Art. I)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

State law reference(s)--Definitions for state vehicle law, M.G.L. c. 90, § 1.

Section 18-2. Owner prima facie responsible for violations.

If any vehicle is found upon any street or highway in violation of any provisions of this chapter and the identity of the driver cannot be readily determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violations.

(Rev. Ords. 1976, T.O. Art. IX, § 2)

Section 18-3. Penalties.

Any person convicted of a violation of any provision of this chapter or order made hereunder, except as otherwise provided, shall be punished by a fine not exceeding twenty dollars (\$20.00) for each offense.

(Rev. Ords. 1976, T.O. Art. IX, § 3)

Section 18-4. Enforcement generally.

It shall be the duty of the chief of police to enforce the provisions of this chapter. Such officers as may be designated by him are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of these ordinances, provided that in the event of a fire or other emergency to expedite traffic or safeguard pedestrians, officers of the police or fire departments may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

(Rev. Ords. 1976, T.O. Art. X, § 1)

Section 18-5. Temporary closure of streets.

The chief of police is hereby authorized to close, temporarily, any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession, provided there is reasonable justification for the closing of such street.

(Rev. Ords. 1976, T.O. Art. X, § 2)

Section 18-6. Exemptions.

The provisions of this chapter shall not apply to persons actually engaged in work upon a street or highway closed to travel, or under construction or repair, to officers when engaged in the performance of public duties, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of this chapter. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

(Rev. Ords. 1976, T.O. Art. X, § 4)

State law reference(s)--Operation of emergency vehicles, M.G.L. c. 89, § 7B.

Section 18-7. Obedience to police.

Drivers of vehicles shall comply with any lawful or reasonable order, signal or direction of any police officer.

(Rev. Ords. 1976, T.O. Art. X, § 5)

Section 18-8. Restrictions on driving vehicles on sidewalks.

No person shall drive a motor vehicle, other than a wheelchair of a disabled person, on any sidewalk nor any part of any public way commonly used for foot travel, except when crossing at a permanent or temporary driveway.

(Rev. Ords. 1976, Pt. 2, Ch. 17, § 37)

Section 18-9. Driving over sidewalks, edgestones to deliver merchandise.

Nothing in this chapter shall be construed to prevent driving across any sidewalk for the purpose of delivering or receiving materials ; provided, that where it becomes necessary to drive over an unlowered edgestone, the person so driving shall furnish plank or other protection so as to prevent injury to the edgestone and sidewalk. No person shall drive, under any circumstances, any vehicle over or across any edgestones or sidewalk, except where the edgestone is lowered, with a load exceeding five thousand (5,000) pounds.

(Rev. Ords. 1976, Pt. 2, Ch. 17, § 38)

Cross reference(s)--Licenses and business regulations, Ch. 12; streets and sidewalks, Ch. 17.

Section 18-10. Abandonment of vehicles on public or private ways.

- (a) No person shall abandon on any public or private way, public or private land, a motor vehicle, tank or other receptacle which contains or has contained petroleum or any of its by-products that might endanger the life or property of others.
- (b) Whoever violates the provisions of this section shall be fined in accordance with section 1-8.

(Rev. Ords. 1976, Pt. 2, Ch. 17, § 50)

Section 18-11. Zones of quiet.

- (a) All of the territory within two hundred (200) feet of the premises of each hospital in this city is hereby created and established as a zone of quiet. The Board of Public Works is authorized to erect and maintain in a conspicuous manner within this area such signs and markings as are necessary to designate it as a zone of quiet.
- (b) The Board of Public Works may temporarily establish a zone of quiet upon any street where a person is seriously ill, if requested to do so by the written statement of a registered physician certifying to its necessity. Such temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the person named in the request of such physician. Such temporary zone of quiet shall be identified by the Board of Public Works by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."
- (c) No person operating a motor vehicle within any designated and posted zone of quiet shall sound the horn or other warning device of such vehicle except in an emergency.

(Rev. Ords. 1976, T.O. Art. IV, § 2)

Section 18-12. School traffic regulations.

The city shall establish school zones for school traffic regulations according to Chapter 85, Section 2, and Chapter 90, Section 17.

(Ord. of 8-19-96(3))

Secs. 18-13--18-40. Reserved.

ARTICLE II. TRAFFIC SAFETY and PARKING COMMISSION

Section 18-41. Organization, Term of Chairperson, Compensation.

There is hereby established a fully empowered Traffic Safety and Parking Commission. The membership to consist of the Chief of Police, Chief of the Fire Department, Director of Public Works, and the City Engineer, or their designees, and six (6) community representatives, one qualified elector from each of the wards of the city, said representatives to be appointed by the Mayor, subject to confirmation by the City Council. Community representatives shall serve a term for a period of three years or until a successor is appointed and qualified. All members shall serve without compensation. The Commission shall elect a chairperson and a secretary, who shall serve at the pleasure of the Commission. (Ord. of 6-11-97)

Section 18-42. Meetings, officers.

The Commission shall hold regular meetings as may be necessary or expedient. A majority of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission. (Ord. of 6-11-97)

Section 18-43. Record of proceedings kept by secretary, filing.

The secretary of the Commission shall keep a record of all proceedings, resolutions, findings, determinations and transactions of the Commission, which records shall be a public record, and a copy of which record shall be filed with the City Clerk and the Office of the City Council. (Ord. of 6-11-97)

Section 18-44. Powers and duties.

(a) The Commission shall regulate all matters pertaining to traffic, safety and parking of motor vehicles generally; but not limited to:

- (i) the parking of motor vehicles on public streets and in public lots and areas;
- (ii) the establishment of metered zones;
- (iii) the monitoring of the condition and maintenance of free or metered parking spaces;
- (iv) the setting of rates per hour per space to be paid for the metered parking spaces, and the permissible time for parking in any parking space;
- (v) the rental of off-street spaces;
- (vi) the review of the design and improvement of any public street or parking lot, including lighting and traffic flow and landscaping;
- (vii) the authorizing of posting of signs giving notice of parking regulations;
- (viii) the recommending of the purchase and monitoring of the installation of parking meters.
- (ix) to designate disabled and or veteran's parking spaces on public ways in accordance with Section 18-145 of the Everett Revised Ordinances only upon a favorable recommendation of the Everett Disability Commission. (A0150-09)

Section 18-45. Repealed by A0150-09

Section 18-46 Testing, temporary regulations

The Traffic Safety and Parking Commission may when public convenience or necessity requires, test under actual conditions and for a period not to exceed thirty (30) days, temporary traffic regulations on ways within this City. (Ord. of 11-23-98)

Secs. 18-47--18-60. Reserved.

ARTICLE III. TRAFFIC SIGNS, SIGNALS AND MARKINGS*

Section 18-61. Generally.

The Board of Public Works shall place and maintain all official traffic signs, markings and safety zones. The Building Department's Wire Division shall place and maintain all official traffic signals. All signs, signals, markings and safety zones shall conform to the standards of the state department of public works.

(Rev. Ords. 1976, T.O. Art. III, § 1)

Section 18-62. Display of unauthorized devices prohibited.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Board of Public Works is hereby empowered to remove or cause to be removed every such prohibited sign, signal, marking or device. Who ever violates the provisions of this shall be fined in accordance with section 1-8.

(Rev. Ords. 1976, T.O. Art. III, § 2)

Section 18-63. Interference with devices prohibited.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a fine in accordance with section 1-8.

(Rev. Ords. 1976, T.O. Art. III, § 3)

Section 18-64. Location of bus stops, taxicab stands and service zones.

The location of all bus stops, taxicab stands and service zones shall be specified by the board of aldermen, and, in the case of each, the board of aldermen shall designate who may use them as such.

(Rev. Ords. 1976, T.O. Art. III, § 4)

Section 18-65. Official Instructions.

Drivers of vehicles shall obey the instructions of any official traffic control signal, sign, marking or marker, unless otherwise directed by a police officer.

(Rev. Ords. 1976, T.O. Art. III, § 5)

Sections. 18-66--18-80. Reserved.

ARTICLE IV. OPERATION OF VEHICLES

Section 18-81. Drive within marked lanes.

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

(Rev. Ords. 1976, T.O. Art. VIII, § 1)

Section 18-82. Use right lane.

Upon all roadways, the driver of a vehicle shall drive in the lane nearest the right side of the roadway when such lane is available for travel, except when overtaking another vehicle or when preparing for a left turn. (Rev. Ords. 1976, T.O. Art. VIII, § 2)

Section 18-83. Overtaking restricted generally.

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

(Rev. Ords. 1976, T.O. Art. VIII, § 3)

State law reference(s)--Passing, M.G.L.A. c. 89, § 2.

Section 18-84. Driver to give way to overtaking vehicle.

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Rev. Ords. 1976, T.O. Art. VIII, § 4)

Section 18-85. Obstructing traffic.

- (a) No person shall drive, stop or stand a vehicle in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
- (b) No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.
(Rev. Ords. 1976, T.O. Art. VIII, § 5)

Section 18-86. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway. (Rev. Ords. 1976, T.O. Art. VIII, § 6)

Section 18-87. Separation of slow vehicles.

Upon roadways less than twenty-seven (27) feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow moving vehicle when traveling outside of a business or residential district shall not follow another slow moving vehicle within two hundred (200) feet, but this shall not be construed to prevent such slow moving vehicle from overtaking and passing another slow-moving vehicle. This section shall not apply to funerals or other lawful processions.

(Rev. Ords. 1976, T.O. Art. VIII, § 7)

Section 18-88. Care in starting, stopping, turning or backing.

The driver of any vehicle before starting, stopping, turning from a direct line or backing shall first see that such movement can be made in safety. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such vehicle shall be given a plainly visible signal as required by section 18-89.

(Rev. Ords. 1976, T.O. Art. VIII, § 8)

State law reference(s)--Stopping and turning, M.G.L.A. c. 90, § 14B.

Section 18-89. Stopping and turning signal.

- (a) Any signal herein required shall be given sufficient time in advance of the movement indicated to give ample warning to any person who may be affected by such movement, and shall be given either by means of the hand and arm in the manner specified, or by a suitable mechanical or electrical device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being made or from being visible both to the front and rear, the signal shall be given by a suitable device.
- (b) Hand and arm signals required herein shall be made as follows:
 - (1) An intention to stop or decrease speed shall be indicated by extending the arm horizontally and downward to the left of and beyond the side of the vehicle.
 - (2) An intention to turn to the left shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle.
 - (3) An intention to turn to the right shall be indicated by extending the arm horizontally and upward to the left of and beyond the side of the vehicle.

(Rev. Ords. 1976, T.O. Art. VIII, § 9)

Section 18-90. Obedience to traffic control signals.

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a vehicle shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a stop sign), signal, or device, or except as provided in section 18-184(b). In no case shall a driver enter or proceed through an intersection without due regard to the safety of

other persons within the intersection, regardless of what indications may be given by traffic control signals.

- (a) Green. While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic.
- (b) Right, left and vertical green arrows. When a right, green arrow is illuminated, drivers facing such signal may turn right. When a left, green arrow is illuminated, drivers facing such signal may turn left. When a vertical green arrow is illuminated, drivers facing such signal may go straight ahead. When a green arrow is exhibited, together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right-of-way to vehicles and pedestrians proceeding from another direction on a green indication.
- (c) Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or a marked stop line, shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.
- (d) Red. Operation of a vehicle facing a circular red signal shall:
 - (1) Stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by chapter 89, section 8, of the General Laws.
 - (2) No driver of a vehicle facing a circular red signal indication shall make a right turn where official traffic signs are installed and maintained prohibiting such turn at certain designated intersections. A schedule of intersections where such turns are permitted is on file in the city clerk's office.
- (e) Red and yellow. While the red and yellow lenses are illuminated together, drivers shall not enter the intersection and during such time the intersection shall be reserved for the exclusive use of pedestrians.
- (f) Flashing red. A flashing red lens shall indicate those intersections at which a driver is required by law to stop before entering.
- (g) Flashing yellow. A flashing yellow lens shall indicate the presence of a hazard and drivers may proceed only with caution.
- (h) Flashing green. A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red or red and yellow indication.

(Rev. Ords. 1976, T.O. Art. VIII, § 11; Ord. of 6-9-80)

Section 18-91. Left turns prohibited.

No driver of a vehicle shall make a left turn on certain streets and a schedule of such streets is on file in the city clerk's office. (Rev. Ords. 1976, T.O. Art. VIII, § 12)

Section 18-92. Obedience to throughway stop signs.

- (a) In accordance with the provisions of chapter 89, section 9, of the General Laws, certain streets or parts of streets are hereby declared to be throughways and a schedule of such streets is on file in the city clerk's office.
- (b) Every driver of a vehicle approaching an intersection of a way with a lawful throughway, where there exists facing him a sign bearing the words "Through Traffic Stop," such sign being in accordance with the requirements of the department, shall, before proceeding through the intersection, bring such vehicle to a complete stop at such point as may be marked by a sign or line, or, if a point is not so marked, then at a place between the stop sign and the nearer line of the intersection. In case of a line of two (2) or more vehicles approaching such stop sign, the drivers of the second and third vehicles in line in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device. (Rev. Ords. 1976, T.O. Art. VIII, § 13)

Section 18-93. Obedience to isolated stop signs.

- (a) Every driver of a vehicle approaching an intersection of ways where there exists facing him an official sign, bearing the word "stop" and authorized by this section, such sign conforming, apart from this regulation, to the standards of the State Department of Public Works, shall, bring such vehicle to a complete stop at such point as may be clearly marked by a sign or line, or, if a point is not so marked, then at a place between the stop sign and the nearer line of the street intersection. In the case of a line of two (2) or more vehicles approaching such stop sign, the drivers of the second and third vehicles in line in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by a lawful traffic regulating sign, signal or device, except as provided in section 18-184(c).
- (b) In accordance with the foregoing, the erection and maintenance of an official stop sign or signs are authorized so as to face certain streets and a schedule of such stop signs is on file in the city clerk's office.

(Rev. Ords. 1976, T.O. Art. VIII, § 14)

Section 18-94. One-way streets.

Upon certain streets or parts of streets, vehicular traffic shall move only in the direction indicated and a schedule of such streets is on file in the city clerk's office.

(Rev. Ords. 1976, T.O. Art. VII, § 1)

Section 18-95. Rotary traffic.

Within the areas bounded by certain streets, vehicular traffic shall move only in a rotary counter-clockwise direction and a schedule of such streets is on file in the city clerk's office.

(Rev. Ords. 1976, T.O. Art. VII, § 2)

Section 18-96. Backing and U-turns Prohibited.

No operator shall back or turn a vehicle so as to proceed in the direction opposite to that in which such vehicle is headed or traveling on certain streets and a schedule of such streets is on file in the city clerk's office. (Rev. Ords. 1976, T.O. Art. VIII, § 10)

Section 18-97. Keep to the right of roadway division.

Upon such roadways as are divided by a parkway, grass plot, reservation, viaductor by any structure or area drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings.
(Rev. Ords. 1976, T.O. Art. VIII, § 15)

Section 18-98. Operation at underpass or overpass and at intersections with islands.

At any junction of crossings of ways where the roadway grades have been separated and where the ways are connected by ramps and at any intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals or markings. (Rev. Ords. 1976, T.O. Art. VIII, § 16)

Section 18-99. Driving on road surfaces under construction or repair.

No operator shall enter upon the road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard such road surface is closed to travel, and one (1) or more signs, lights or signals have been erected to indicate that the road surface of the highway is not to be used, or, when so advised by an officer, watchman, member of a street or highway crew, or employee of the city, either audibly or by signal.
(Rev. Ords. 1976, T.O. Art. VIII, § 17)

Section 18-100. No driving through safety zones.

It shall be unlawful for the driver of a vehicle, except on signal from a police officer, to drive the same over or through a safety zone. (Rev. Ords. 1976, T.O. Art. VIII, § 20)

Section 18-101. Emerging from alley or private driveway.

The operator of a vehicle emerging from an alley, driveway or a garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alleyway or driveway. (Rev. Ords. 1976, T.O. Art. VIII, § 24)

Section 18-102. Vehicle operation at crosswalks.

- (a) When traffic control signals are not in place or not in operation the driver of a vehicle, which for the purpose of this article shall include bicycles, shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within the marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is travelling or when the pedestrian approaches from the opposite half of the roadway to within five (5) feet of that half of the roadway upon which the vehicle is travelling.
- (b) No operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way.

(Rev. Ords. 1976, T.O., Art. VIII, § 25)

Section 18-103. *Obedience to yield signs.*

- (a) Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "Yield", such sign conforming to the standards of the State Department of Public Works, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between the yield sign and the nearer line of the street intersection; provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a yield sign can enter the intersection in safety without causing interference to approaching traffic.
- (b) This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or as provided in section 18-184(c).
- (c) In accordance with the foregoing, the erection and maintenance of official yield signs are authorized so as to face certain streets and a schedule of such streets is on file in the city clerk's office.

(Rev. Ords. 1976, T.O., Art. VIII, § 26)

Section 18-104 *Motorized Scooters*

- (a) No person shall operate a motorized scooter defined as a vehicle with a low powered combustible fluid engine geared to the rear wheel, that typically has two wheels with a low floorboard between them, is steered by a handlebar, and is propelled by pushing one foot against the ground while resting the other on the footboard; a motorized skateboard or other similar motorized vehicle, including but not limited to mini-motorcycles, on any public way, sidewalk, playground, or on any property owned by the City of Everett. Any small motorcycle that goes over 35 MPH, and is 3 feet off the ground, has to be registered with the Registry of Motor Vehicles.
- (b) The following vehicles shall be exempt from the provisions of this section:
 - (1) Vehicles licensed by the Commonwealth of Massachusetts as motor vehicles.
 - (2) Vehicles used by handicapped persons, and
 - (3) Landscaping equipment.
- (c) Any person violating the provisions of this section shall be punished by a fine of one hundred dollars (\$100.00).
- (d) If a minor child is found to be in violation of this ordinance, his or her parent or guardian will be responsible for payment of the fine imposed. (Ord of 7-10-2003)(09/21/2004)

Secs. 18-105--18-130. Reserved.

ARTICLE V. PARKING, STOPPING AND STANDING*

DIVISION 1. GENERALLY

Section 18-131. *General prohibitions.*

No person shall stand, park or allow, permit or suffer any vehicle registered in his or her name, to stand or park in any of the following places

- (a) Within an intersection.
- (b) Upon any sidewalk.
- (c) Upon any crosswalk.
- (d) Upon any way in such a manner as to impede the removal or plowing of snow or ice.
- (e) Upon a roadway where 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, except upon those streets that are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which such vehicle is moving and with both wheels within twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- (f) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- (g) Upon any street or highway within ten (10) feet of a fire hydrant.
- (h) Upon or in front of any private road or driveway.
- (i) Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.
- (j) Within fifteen (15) feet of the wall of a fire station or directly across the street from such station, provided signs are erected informing the driver of such restrictions.
- (k) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (l) On the roadway side of any vehicle stopped or parked at the edge of the curb of a street in such a manner as to constitute double line or multiple line parking.
- (m) On any part of any way under the control of the City of Everett in such a manner as to obstruct any curb designed for use by handicapped persons as a means of egress to a street or public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person.

(Ord. of 06-03-2002)

- (n) As posted upon any roadway, during specified hours and day designated for the cleaning of the roadway.
 - (1) Parking shall be prohibited from April 1 through November 30, between the hours of 4:00 A.M. and 7:00 A.M. for the purpose of cleaning the roadway on the following main streets:
 - a. Broadway, entire
 - b. Main Street, entire
 - c. Elm Street, entire
 - d. Ferry Street, entire
 - e. Chelsea Street, entire
 - f. School Street, Norwood Street to Corey Street
 - g. Norwood Street, Liberty Street to Broadway
 - (2) On other streets throughout the City, parking shall be prohibited from 8:00 A.M. to 12:00 P.M. on the side of the street scheduled and posted.
(Ord. of 10-28-2002)
 - (3) Vehicles found in violation pay twenty-five dollars (\$25.00) and will be towed at the expense of the owner.

(Rev. Ords. 1976, T.O. Art. V, § 1; Ord. of 10-22-85; Ord. of 8-26-96(2); Ord. of 5-5-99)

Section 18-132. Temporary parking prohibitions.

The chief of police is hereby authorized to prohibit, temporarily, parking on any street or highway, or part thereof, in an impending or existing emergency, or for a lawful assemblage, demonstration or procession. The chief of police may suspend all parking restrictions for the purpose of street cleaning, street and sidewalk repair and snow removal, provided there is reasonable justification for such prohibition and suspension.

(Rev. Ords. 1976, T.O. Art. X, § 3)

Section 18-133. Prohibited on certain streets.

Parking is prohibited at all times on certain streets and a schedule of such streets is on file in the city clerk's office and such prohibited parking may be restricted for certain hours of the day and such prohibited parking may be restricted for certain days of the week.

(Rev. Ords. 1976, T.O. Art. V, § 2)

Section 18-134. Prohibited during certain hours on certain streets.

No person shall park a vehicle between the hours of 3:00 p.m. and 7:00 p.m. for longer than forty-five (45) minutes of any day, except Sundays and public holidays, on certain streets and a schedule of such streets is on file in the city clerk's office.

(Rev. Ords. 1976, T.O. Art. V, § 3)

Section 18-135. Prohibited at safety zones.

No person shall park a vehicle within twenty (20) feet of either end of a safety zone which is located within thirty (30) feet of the curb or edge of the roadway.

(Rev. Ords. 1976, T.O. Art. V, § 4)

Section 18-136. Bus stops.

- (a) No person shall park a vehicle other than a bus in a bus stop.
- (b) No person shall park a bus upon any street within a business district at any place other than a bus stop, when a nearby bus stop is available for use.

(Rev. Ords. 1976, T.O. Art. V, § 5)

Section 18-137. Taxicab stands.

- (a) No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand.
- (b) 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, except while engaged or while waiting for an opportunity to use a taxicab stand designated for his use.

(Rev. Ords. 1976, T.O. Art. V, § 7; Ord. of 5-12-86(2))

Section 18-138. Service zones in Metered and Non-Metered Areas

No person shall park a vehicle upon any street in any service zone for a period of time longer than fifteen (15) minutes except that commercial vehicles actually engaged in loading and

unloading may park for a period of time not exceeding one-half hour, and such service zones may be restricted for certain hours of the day, and such service zone may be restricted for certain days of the week.

(Rev. Ords. 1976, T.O. Art. V, § 8)(Ord. of 01-12-98)(Ord. of 12-11-2000)

Section 18-138.5 Loading Zones

- (a) No person shall park a vehicle upon any street in any loading zone during the time designated except commercial vehicles actually engaged in loading and unloading.
- (b) Loading zones located in metered areas shall take precedence over parking meters.
 - (1) Parking meters shall not be in effect during the time the loading zone is in effect.
 - (2) The time that any loading zone shall be in effect shall be no longer than two (2) hours at any one time.
 - (3) The time the loading zone is in effect shall be clearly posted on a sign(s) for the loading zone.
- (c) A copy of said loading zones shall be kept on file in the Office of the City Clerk.
(Ord. of 04-08-2003)

Section 18-139. Time limited in designated places.

- (a) No person shall park a vehicle for longer than one (1) hour at any time between 10:00 a.m. and 8:00 p.m. of any day except Sundays and public holidays on certain described streets or parts thereof and a schedule of such streets is on file in the city clerk's office.
- (b) No person shall park a vehicle for longer than one (1) hour at any time between 7:00 a.m. to 8:00 p.m. of any day, except Sundays and public holidays, on certain streets and a schedule of such streets is on file in the city clerk's office.
- (c) No person shall park a vehicle for longer than one (1) hour of any day at any time, except Sundays and public holidays, on certain streets and a schedule of such streets is on file in the city clerk's office.
- (d) No person shall park any vehicle or trailer that has six (6) wheels or more, or any truck with a capacity of one ton or over, at any time, on any public way, in a dwelling or apartment zone or in a municipal parking lot, between the hours of 11:00 p.m. to 8:00 a.m. and at any time on Sundays and Holidays. There is excepted from the above provision between the hours of 11:00 p.m. to 8:00 a.m., commercial vehicles or trailers parked for the purpose of deliveries or pick-ups, provided such deliveries or pickups do not exceed one hour. (Ord. of 03-03-03)
 - (1) No person shall park any commercial, taxi, livery, dealer (plates) and repair plated vehicles with four (4) wheels for a period of more than twenty-four (24) hours Monday through Friday on any public, or part of a public way, in a dwelling or apartment zone, municipal parking lot or in a service zone.
(Ord. of 05-29-01)
- (e) No person shall park any vehicle, which is not, according to the records kept by the Registry of Motor Vehicles, validly registered in the City of Everett, at any time, on any public or part of a public way, or in a municipal parking lot, between the hours of 11 p.m. and 8 a.m. Vehicles, registered outside of the City of

Everett, parking for the purpose of deliveries or pick-ups are exempt from this ban, provided, however, that such deliveries and pick-ups do not exceed one hour. Any person violating this subsection shall be subject to a \$25.00 fine.

(1) The purpose of the amendment is to prohibit vehicles not registered in the City of Everett from parking overnight, on any public way or part of a public way, or in a municipal parking lot.

(2) The use of the Everett City Hall Parking Lot during non-business hours is hereby restricted to those automobiles having a valid Everett Residential Parking Sticker and all other automobiles subject to a \$25.00 parking ticket.

(Rev. Ords. 1976, T.O. Art. V, § 9, Ord. of 6-22-87; Ord. of 4-21-92; Ord. of 6-8-92(2); Ord. of 10-2-95) (Ord of 03/05/2004) (Ord of 06-24-2004)(A0214-06)

Section 18-140. Angle parking.

(a) The Traffic, Safety and Parking Commission shall determine upon what streets angle parking shall be required, and shall post sign on such streets.

(b) Upon those streets which have been signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such official signs.

(Rev. Ords. 1976, T.O. Art. V, § 10)

Section 18-141. Parking vehicles for sale prohibited.

(a) It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

(b) It shall be unlawful for any person to offer for sale, upon private property not licensed for the sale of motor vehicles, any vehicle not currently or previously registered at that address.

(Rev. Ords. 1976, T.O. Art. V, § 11; Ord. of 04-22-02)

Cross reference(s)--Licenses and business regulations, Ch. 12.

Section 18-142. Parking of vehicles bearing political signs.

The parking of any vehicle bearing a political sign of any description at any entrance to a designated polling place during the hours such polling place is open for any city, state, federal or special election; shall be in accordance with M.G.L. c. 54, Section 65.

(Rev. Ords. 1976, Pt. 2, Ch. 17, § 49A)

Section 18-143. Odd and even all night parking.

(a) Whenever the chief of police declares that a parking ban is in effect as a result of weather conditions that threaten to constitute a traffic hazard, motor vehicles shall only park on the odd-numbered side of the street in odd-numbered years and on the even-numbered side in the even-numbered years.

(b) Notification to the general public of the parking ban and its termination shall be given by the chief of police in such a manner as he may prescribe and announce.

(c) This section shall not apply to any street on which parking is now prohibited on one or both sides of a street, at any time, and shall not apply to those streets designated as snow emergency arteries in the city, as defined in chapter 18, section 18-144 of the ordinances of the city.

- (d) Any vehicle found to be in violation of this section shall be subject to the penalties as provided by section 18-146, parking fines, and subject to towing as provided by division 2, section 18-161 through section 18-166.
 - (e) This section shall be in effect from November 1st through March 31st.
 - (f) The purpose of the section is to restrict parking on streets in the city during the winter months for snow removal and to insure unobstructed access for emergency vehicles and for the safety and convenience of the general public.
- (Rev. Ords. 1976, T.O. Art. V, § 12; Ord. of 10-26-92(2); Ord. of 12-27-93; Ord. of 12-12-96)

Section 18-144. *Emergency or Weather Parking Limitations.*

- (a) Whenever a Federal, State, or City emergency situation exists, and whenever impending weather conditions threaten to constitute a traffic hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health and police protection, and other vital facilities of the city, the chief of police shall announce such emergency, then, any and all of the following parking prohibitions shall become effective at the time designated.
- (b) No driver shall stop, stand or park any vehicle within the limits of certain traffic arteries or parts thereof, provided that this section shall not apply to passenger vehicles stopped temporarily during the actual receiving or discharging passengers nor to commercial vehicles stopped temporarily during the actual loading or unloading of materials. The schedule of streets designated as emergency arteries is on file in the city clerk's office.

(Rev. Ords. 1976, T.O. Art. 5A, § 2A)

Section 18-145. *Parking in handicapped or disabled veteran's space.*

- (a) No person shall leave an unauthorized vehicle within parking space designated for use by disabled veterans or handicapped persons in a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees.
- (b) An individual may apply for an area to be designated for disabled and/or veteran's parking on a public way, on the form that has been approved by the Traffic Commission.
(Ord. Of 6-27-97; 10-29-2005)
- (c) Each application shall be accompanied by an affidavit; the form of the affidavit shall be approved by the disability commission.
- (d) Each affidavit so received by the Traffic Commission shall be referred to the Disability Commission for its recommendation before a vote is taken by the Traffic Commission.

(Ord. of 2-24-86, Ord. of 6-3-91; Ord. of 6-3-91(2); Ord. of 4-25-94; Ord. of 10-28-96; Ord. Of 6-27-97; 11-29-2005)

Cross reference(s)--Disability Commission, § 2-271 et seq.

State law reference(s)--Handicapped Person & Disabled Veterans parking spaces, M.G.L. Chapter 40 Section 21 (cl. 23 et seq).

Section 18-146. *Parking fees.*

- (a) Parking fee zones are hereby established, and are defined as those legal parking spaces, except handicapped spaces, located on a street or part of a street, or in a municipal lot or parking facility, named on a list entitled "parking fee zones" which accompanies and is hereby declared to be part of this section. A copy of this list shall be available for public inspection in the office of the city clerk.
- (b) Vehicles parked in a parking fee zone shall be in an area corresponding to a parking fee device, or in an area designated by marked lines.
- (c) Between the hours of 8:00 am and 6:00 pm Monday through Saturday, except legal holidays on which city hall is closed a parking fee of \$.25/30 minutes on streets and \$.25/hour in municipal lots and parking facilities shall be charges for all vehicles parking in a parking fee zone. (Ord of 05-05-2005)
- (d) Limited time parking restrictions of two (2) hours on streets and ten (10) hours in municipal lots and parking facilities and 15 minutes in service zones shall apply to vehicles parked in a parking fee zone.
- (e) Limited time parking restrictions and parking fees shall be designated on a parking fee device, or by signage if payment is rendered to a device, or person, serving multiple parking spaces.
- (f) No person shall tamper with, break, destroy, or vandalize a parking fee device. This shall include the deposit or insertion into a parking fee device any material other than the coins required for payment of a parking fee. Any person violating the provisions of this subsection shall be subject to a fine in accordance with the provisions of section 1-8.

Section 18-147. *Parking fines.*

Any person violating any provision of an ordinance, regulating the parking of motor vehicles in the city shall be fined in accordance with the schedule on file in the City Clerk's Office.

- (1) Group A.
 - a. Parking overtime at night.
- (2) Group B.
 - b. Overtime parking, except at a meter.
 - c. Wrong direction parking.
 - d. Not parking within a designated area.
 - e. Nonpayment of parking fee.
 - f. Failure to comply with provisions of ordinances relative to parking fees and parking zones.
- (3) Group C.
 - a. Parking in a restricted area.
 - b. Parking within twenty (20) feet of an intersection.
 - c. Parking on a crosswalk.
 - d. Parking double.
 - e. Parking in front of a driveway or private way.

- f. Interfering with free flow of traffic.
 - g. Parking in a taxi cab stand more than fifteen (15) minutes.
 - h. Parking more than twelve (12) inches away from curb.
 - i. Parking on sidewalk.
 - j. Parking so as not to leave a ten-foot unobstructed lane.
 - k. Parking so as to impede street cleaning.
 - l. Commercial vehicles parking overtime at night and on Sundays (over a ton vehicles only).
 - m. Resident parking only.
 - n. Parking any truck or trailer with six (6) wheels or more between the hours of 11:00 P.M. to 8:00 A.M., upon any public way or on any municipal parking lot.
 - o. Snow emergency main arteries.
 - p. Obstructing snow removal.
 - q. Parking or stopping at a bus stop.
- (4) Group D.
- a. Handicapped and disabled veteran parking violation.
 - b. Parking within ten (10) feet of a fire hydrant or within any designated fire lane. (Rev. Ords. 1976, T.O., Art. 5A, § 3; Ord. of 8-26-76; Ord. of 8-23-82; Ord. of 8-23-93; Ord. of 06-03-2002)

DIVISION 2

Section 18-148 Designation of Residential Parking Sticker Area

- (a) The Traffic, Safety and Parking Commission shall designate areas as residential parking sticker areas in which only vehicles displaying a valid residential parking sticker or visitor permit may be parked.
- (b) Definition of Residential Parking Sticker Area: Residential Parking Sticker Area shall mean any area designated by the Traffic Safety and Parking Commission for residential parking. Areas may be designated for residential parking in any area regardless of zoning. The Resident Parking Sticker program will be in effect in designated business areas from 1:00 AM to 6:00 AM and designated residential areas from 12:00 AM to 6:00 AM, Monday through Friday. Sunday and Holidays are excluded.

Section 18-149 Citywide Resident Sticker Regulations:

The Parking Clerk shall oversee the resident sticker program. The program requires that residents, who own a vehicle, and individuals moving into the City of Everett with a vehicle, register their vehicle in the City or have their registration changed to read that the vehicle is principally garaged in Everett.

- (a) Resident Parking Stickers shall be valid for one year. The location for the distribution of the Resident Sticker shall be the Office of the Everett Parking Clerk; the specific date(s) for the annual distribution will be announced in the

local newspapers and Everett Cable 16 to alert Everett residents. No more than one residential parking sticker shall be issued per motor vehicle.

- (b) A vehicle on which is displayed a valid residential parking sticker in the designated location on the vehicle shall be permitted to stand, park or stop on all City streets and City owned parking lots, including the parking lots at the former Hale, Lewis and Horace Mann Schools' located on Glendale Street, Floyd Street, Derne Street and the Everett City Hall Parking Lot respectively. The provisions of this ordinance establishing a residential parking sticker area shall not relieve any person from the duty to observe other and more restrictive provisions of other ordinances prohibiting or limiting the stopping, standing or parking of vehicles at specific times.
- (c) There shall be no fee for Resident Parking Stickers issued during the 30-day distribution period. The fee for a resident sticker issued after the initial distribution period shall be \$10.00. A new resident moving into Everett must obtain a residential parking sticker. In addition, any Everett resident having been issued a new registration or purchasing a new vehicle with the same registration must obtain a new resident parking sticker. The method of payment shall be cash or money order. No checks will be accepted.
- (d) A residential parking sticker shall not guarantee or reserve a parking space.
- (e) The following vehicles are not eligible under this ordinance:
 - (1) Vehicles with six wheels or more as described in Section 18-139(d) of these Ordinances.
 - (2) Any bus that exceeds 25 feet in length.
 - (3) Vehicles exceeding twenty-two feet in length.
 - (4) Taxicab and vehicles bearing livery plates.
 - (5) Vehicles not displaying a resident parking sticker that are being repaired or awaiting owner pick-up during the designated residential sticker hours.
 - (6) Any trailer whether or not attached to a vehicle with a resident parking sticker. (A0086-07)
 - (7) Recreational vehicles and campers. (A0341-08)

Section 18-150 Applying for a Resident Sticker

- (a) Each applicant shall submit proof of residency and current motor vehicle registration issued by the Commonwealth of Massachusetts Registry of Motor Vehicles affirming that the City of Everett is the applicants' residence or that the vehicle is principally garaged in the City of Everett.
- (b) Any two of the following documents will be accepted as proof of residency;
 - (1) A valid drivers license with correct address;
 - (2) A valid motor vehicle registration with correct address;
 - (3) A real estate tax statement, municipal water bill or utility bill; with the applicant's name.
 - (4) Such other proof acceptable to the Office of the Parking Clerk.
- (c) The Parking Clerk shall insure that all residents have paid their excise tax and parking tickets.

- (d) Once proof of residency and payment of excise tax and parking tickets is assured by the Parking Clerk, the Resident Parking Sticker shall be issued.
- (e) The resident sticker shall be affixed to the windshield in front of the rearview mirror in a manner as not to interfere with the vision of the operator.
- (f) A replacement residential parking sticker will not be issued without the return of the original sticker and/or fragments of the original sticker. The fee for a replacement sticker is \$10.00. The method of payment shall be cash or money order. No checks will be accepted.

Section 18-150.1 Visitor Placard

- (a) Only one qualified member per household, who provides proper identification, may purchase one visitor placard at the Office of the Everett Parking Clerk. The placard fee shall be as follows: \$10.00 for a seven day placard, \$15.00 for a 14-day placard, \$20.00 for a 21-day placard, and \$25.00 for a 30-day placard. The method of payment shall be cash or money order. No checks will be accepted. Once purchased, the placard becomes the responsibility of the household. The resident should be vigilant to safeguard it from theft and loss.
- (b) Visitor placards cannot be used on any vehicle owned and operated by the resident of the household or on a vehicle excluded in the ordinance as stated in section 18-149e.
- (c) Placard shall be displayed hanging from the rearview mirror while the vehicle is parked, with printing facing forward.

Section 18-150.2 Special Placard

- (a) Subject to the following circumstance, a special visitor placard may be purchased for a fee of \$100.00. The method of payment shall be cash or money order. No checks will be accepted.
 - (1) A business who has employees that are required to work beyond the start time of the resident sticker program.
 - (2) A student who rents an apartment while attending an area school.
 - (3) A resident in accordance with the Parking Clerk's list of exceptions.
- (b) Once a special placard is purchased, it is the responsibility of the person issued the placard to be vigilant to safeguard the placard from theft and loss.
- (c) Placards shall be displayed hanging from the rear view mirror while the vehicle is parked.

Section 18-150.3 Placard Replacement

A replacement placard shall cost \$50.00. The method of payment shall be cash or money order. No checks will be accepted.

Section 18-151 Sticker and Permit Fees

The Parking Clerk, with the approval of the Everett City Council and the Mayor, shall determine the fee for a residential parking sticker, visitor placards, special placard, and the replacement of such, due to damage or loss.

Section 18-152 Penalty Provision

- (a) It shall be unlawful and a violation of these regulations for any person to park, stand or stop a vehicle on any street or parking lot covered by this ordinance without a valid residential parking sticker, visitor placard or special placard. Said violation shall be punishable by a fine as prescribed in Section 18-147 of the Revised Ordinances.
- (b) It shall be unlawful and a violation of these regulations for a person to falsely represent themselves as eligible for a residential parking sticker or to furnish false information to the Parking Clerk or designee. Such violation shall be punishable by a fine of \$300.00.
- (c) It shall be unlawful and a violation of these regulations for a person holding a valid residential parking sticker to permit the use of such sticker on a vehicle other than that for which the sticker was issued. Such violation shall be punishable by a fine of \$300.00.
- (d) It shall be unlawful and a violation of these regulations for a person to copy, produce or otherwise use a facsimile or counterfeit a residential parking sticker. Such violation shall be punishable by a fine in accordance with Chapter 1, Section 8 of the Revised Ordinances of the City of Everett.

Section 18-153 Revocation of Stickers and Permits

- (a) The Parking Clerk is authorized to revoke the residential parking sticker or visitor placard or special placard of any person found in violations or these regulations and, upon written notification thereof, the person shall surrender the sticker or placard to the Office of the Everett Parking Clerk.
- (b) Residential parking stickers will automatically be revoked if the resident ceases to qualify under Section 18-150.
- (c) If the parking sticker or placard is found on a vehicle other than the one so designated at the time of issuance, or the registration number on the parking sticker is different than the one on the vehicle, then the parking sticker or placard shall be automatically revoked for the remaining period of the issue year.

Section 18-154 Public Notification

The public shall be notified in one or all of the following methods:

- (a) Street Signs
- (b) Local Newspaper (one ad/paper)
- (c) Everett Cable Television (channel 16)
- (d) Reverse 911 calls to listed telephone numbers

Section 18-155 Severability

The provisions of this Ordinance shall be severable and if any section, part or portion hereof shall be held invalid for any reason by any court, the decision of such court shall not affect or impair any remaining section, part or portion thereof.

(Ord. of 3-18-2005; C0267-06)

Sections 18 156-160 Reserved

Section 18-161. *PARKING STICKERS in METERED AREAS*

In order to more efficiently regulate parking in the City of Everett and to more effectively collect fees for parking at metered spaces with the city, the Parking Clerk is hereby authorized to administer a program through which eligible individuals, as defined below, may purchase parking stickers from the Parking Clerk for a fee. Vehicles bearing a current, valid sticker would be exempt from parking meter fees in designated areas for each month for which a parking sticker is purchased and affixed to the vehicle. This ordinance shall become effective July 2, 2001.

Section 18-162 *Definitions*

- (a) Parking stickers: a device that will be affixed, in an area on the vehicle designated by the Parking Clerk, to the vehicle of an eligible person. Said parking stickers will bear the emblem of the Parking Clerk and the registration number of the vehicle to which it is affixed. Said parking stickers will not be transferable or assignable.
- (b) Eligible persons: the following persons are eligible to purchase parking stickers:
 - (1) Residents of the City of Everett, with proof of residency,
 - (2) Owners of businesses located within the City of Everett,
 - (3) Persons employed by businesses located within the City of Everett, with proof of employment,
 - (4) Persons employed by the City of Everett.
- (c) Vehicles
 - (1) The following vehicles are not eligible under this Ordinance:
 - a. Vehicles that have a carrying capacity of more than one ton,
 - b. buses,
 - c. truck tractors,
 - d. vehicles that exceed twenty feet in length,
 - e. vehicles bearing LV (livery plates) license plates.
 - (2) Eligible vehicles shall:
 - a. Have a valid vehicle registration and be insured,
 - b. Have no unpaid parking violations,
 - c. Have no unpaid vehicle excise tax.

Section 18-162.5 *Towing of Repeatedly Tagged Vehicles*

If any person shall have failed to appear in accordance with three (3) or more parking violation notices, notwithstanding any notification to the Registrar of Motor Vehicles, the parking clerk shall notify the registered owner of said motor vehicle and the Chief of Police or his designee that the vehicle in said multiple violations should be removed and stored at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with the law. (Ord. of 06-16-2003)(A0080-08)

Section 18-163 *Fees*

- (a) The fee for a parking sticker for metered areas shall be determined by the Parking Clerk with approval of the Everett City Council and the Mayor.
- (b) Parking stickers will be issued for not less than one (1) month and for not more than one (1) year.

Section 18-164 ***Certain areas excluded***

- (a) Parking stickers will not be valid in metered service zone areas,
- (b) The Parking Clerk shall determine metered areas in which the parking stickers are not valid. Metered areas that are excluded for use by vehicles with parking stickers shall be signed to indicate such.
- (c) A list of areas excluded for use shall be kept on file at the Office of the Parking Clerk.
(Ord. of 5-2-2001)

Sections 18-165 – 18-166 reserved

DIVISION 3. TOWING AND STORAGE

Section 18-167. ***Generally.***

Vehicles found in violation of the provisions of this chapter except those specifically exempt by law shall be removed to a convenient place in accordance with the procedures set forth in this ordinance. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided by section 18-146. (Rev. Ords. 1976, T.O. Art. 5A, § 5)

Section 18-168. ***Authorization of police.***

- (c) The moving or towing of any vehicle under the provisions of this article shall be by and at the direction of the chief of police or such other officer of the rank of sergeant or higher as he may from time to time designate to remove to some convenient place, through the agency of a person or persons in the employ of the police department of the city, any vehicle, except a vehicle owned by the Commonwealth of Massachusetts or a political subdivision thereof or by the United States or disabled veteran and bearing a distinctive number plate authorized by M.G.L. c. 90 § 2, parked or standing on any part of such street, way, road or parkway in such a manner as to impede in any way the plowing or removal of snow or ice or in violation of any rule or regulation adopted under this chapter which prohibits the parking or standing of all vehicles on such part at such times and recites that whoever violates it shall be subject to punishment by fine, and may impose liability for the reasonable cost of such removal and of the storage charges, if any, resulting therefrom, upon the owner of such vehicles.
- (d) The police shall tow any vehicle involved in an arrest of an individual for Operating Under the Influence pursuant to M.G.L. C. 90, §24.
 - (1) No motor vehicle impounded pursuant to an arrest for Operating Under the Influence may be released before the expiration of twelve (12) hours following the arrest.

(Rev. Ords. 1976, T.O. Art. 5A, § 2; Ord. of 9-9-96)(Ord. 04-18-2003)

Section 18-169. ***Towing of repeatedly tagged motor vehicles.***

If any person shall have failed to appear in accordance with three (3) or more parking violation notices, notwithstanding any notification to the registrar of motor vehicles, the

parking clerk shall notify the registered owner of said motor vehicle and the chief of police or his designee that the vehicle in said multiple violations should be removed and stored at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with the law. No vehicle shall be removed or stored until and unless the registered owner of said vehicle shall have received ten-days notification by registered mail of said person's failure to appear on three (3) or more parking violation notices and that the registered vehicle may be removed and stored without further notice. The ten-day notification shall be ten (10) calendar days from the date of the postmark of the notification. It shall be sufficient for the purposes of such notice for the parking clerk in the case of vehicles registered in other states to mail notice to the registrar of motor vehicles or like officer of said jurisdiction.

(Ord. of 11-12-96)(A0081-08)

Section 18-170 Removal of Certain Motor Vehicles from Public or Private Property

- (a) No person shall place upon public ways or upon public property any type of motor vehicle, as defined in the General Laws, Chapter 90, Section 1, including, but not limited to, automobiles, buses, trailers, motorcycles, and all vehicles constructed and designed for propulsion by power other than muscular power, for purposes of abandonment or discontinuance of use.
- (b) No person shall place upon private ways or upon private property any type of motor vehicle, as defined in the General Laws, Chapter 90, Section 1, including, but not limited to automobiles, buses, trailers, motorcycles, and all vehicles constructed and designed for propulsion by power other than muscular power, for purposes of abandonment or discontinuance of use for more than five days, including those vehicles discontinued for seasonal storage – not to exceed six consecutive discontinued months without a permit issued by the Everett Police Department. Such permit shall only be granted upon such proof to the satisfaction of the Police Chief that the presence of such vehicle does not endanger the safety or health of residents at or in the area of said locus. The Police Chief shall make inquiry of the Building Inspector, City Clerk, Fire Chief and the Department of Health to verify if storage of a motor vehicle and/or gasoline storage is a permitted use according to applicable zoning and building code laws for said locus; if not, the owner shall also be required to obtain such permits as may be required by the Building Inspector or City Clerk and verify if storage of a motor vehicle and/or gasoline storage is permitted use according to applicable zoning and building code laws for said locus; if not, the owner shall also be required to obtain such permits as may be required by the Building Inspector or City Council. Upon failure to obtain a permit, after five days written notice to the owner of the locus by the Police Chief and/or Building Inspector, said vehicle may be ordered towed and stored at the expense of the owner of the locus; and an application for criminal complaint may be sought as allowed by law. Persons presently allowing or permitting such a motor vehicle to remain upon their property at the time of passage of this ordinance, shall be granted an additional five days (10 days total) written notice to remove the same.
- (c) Failure to attach registration plates and current registration sticker to and/or register as required by law, a motor vehicle, as described above, for more than 72 continuous hours shall create a presumption that the same has been abandoned or its use

- discontinued by its owner, unless the motor vehicle's use has been discontinued for the purpose of seasonal storage with the intent of continued use within six months time, in which case the owner must obtain the permit so outlined in Section (b). After reasonable efforts to contact the owner to remove the same without success, the said vehicle may be towed and stored at the expense of the owner, upon request of the Police Chief, Fire Department, Public Works Department Supervisor, Building Inspector or other authorized representative of the City of Everett. When an abandoned, unattended, wrecked, burned, or other vehicle creating a traffic hazard because of its position on a public way or because its physical appearance is causing the impeding of traffic, immediate removal may be authorized by order of the Police or Fire Chief.
- (d) In the event a vehicle is towed at the request of a representative of the City of Everett, and it is determined that said vehicle is worth less than the cost of removal and storage and expenses incident to the disposition of the same by advertising and public sale, said motor vehicle may be disposed of as refuse.
 - (e) A log shall be kept of vehicles towed as provided by Chapter 18, Article V, Division 2 of these Ordinances and a copy of said log shall be available as a public record.
 - (f) The rights, powers, and duties set forth in the Ordinance may be exercised in addition to and in conjunction with any applicable civil or criminal Massachusetts General Laws, as amended relating to removal or abandoned motor vehicles, whether registered or unregistered.
 - (g) No persons shall place, stop, or park upon a private way, without the written permission of all lawful owners abutting thereto, any registered or unregistered motor vehicle so as to impede, hinder, obstruct, block, or delay police, fire or emergency vehicles from egress or ingress. In the event the Police or Fire Chief determines that a vehicle is creating a danger to health and safety as a result of it being placed, stopped, or parked upon a private way, the said vehicle may be towed and stored, as set forth above. Further an application for criminal complaint may be sought as allowed by law.
 - (h) At any time before a motor vehicle is sold at public sale or disposed of as provided herein, the owner or person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle will be released to the owner or other person under this section until all towing charges, storage charges and fines, if any, have been paid.
 - (i) Whoever violates this Ordinance shall be punished by fine in accordance with Chapter 1, Section 1-8 of the Revised Ordinances of the City of Everett, as most recently amended.
- (Ord. of 06-26-2001) *NOTE: Moved from 12-11 Business Regulations*

Section 18-171. Towing and storage fees.

Unless otherwise provided by ordinance, the owner of a vehicle shall be liable for the cost of removal, and for the storage resulting therefrom, not more than the maximum rate established by the Department of Public Utilities, under the authority of M.G.L. Chapter 159B Section 6B. (Ord. of 5-6-96)

Section 18-172. Damages during removal or storage.

The contractor shall be liable to the owner of any vehicle removed under this article for any damages arising out of negligence caused to a vehicle in the course of removal and storage. (Rev. Ords. 1976, T.O. Art. 5A, § 4)

Section 18-173. Official traffic signs.

The provisions of section 18-144 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "TOW ZONE NO PARKING DURING SNOW EMERGENCY" are installed, erected, maintained and located so as to be visible to approaching drivers. (Rev. Ords. 1976, T.O. Art. 5A, § 7)

Section 18-174. Record of towed vehicles.

The police department shall keep a record of all vehicles towed or removed under the provisions of this article. 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, date and time.
- (c) The location to which it was towed.
- (d) The fee charged for towing and storage.
- (e) Name of towing contractor, if any.
- (f) Name and rank of officer who authorized towing.

(Rev. Ords. 1976, T.O. Art. 5A, § 8)

State law reference(s)--Vehicles Parked In Violation Of The Law M.G.L. c. 40, § 22D.

Sections. 18-175--18-180. Reserved.

ARTICLE VI. PROCESSIONS

Section 18-181. When permit required.

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles, excepting the forces of the United States Army or Navy, the military forces of the Commonwealth, and the forces of the police and fire departments shall occupy, march or proceed along any way except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

(Rev. Ords. 1976, T.O. Art. VI, § 1)

Section 18-182. Exclusion of heavy and commercial vehicles.

- (a) No vehicles used or designed for the transportation of goods, wares or merchandise shall enter or pass over any of certain designated streets or parts of streets. The schedule of such streets is on file in the city clerk's office.
- (b) The restrictions contained in subsection (a) of this section shall not apply to:
 - (1) Emergency vehicles such as vehicles of the fire and police departments, ambulances, emergency vehicles of federal, state and municipal departments and emergency vehicles of public service corporations when responding to an emergency.

- (2) Vehicles for the collection or delivery of goods, wares or merchandise from or to premises on such streets or on connecting streets not otherwise accessible.
 - (3) Vehicles used in connection with the construction, reconstruction, or repair of such streets, the water supply system, the sewers or drains, or the lines, pipes or conduits of any telephone, telegraph, gas or electric company therein.
 - (4) Any motor vehicle which, with its load, if any, weighs less than thirteen (13) tons and has no trailer attached.
- (c) Procedure
- (1) Any member of the City Council may introduce No Heavy Trucking legislation to their respective body where it shall be immediately referred to the Traffic Commission,
 - (2) The Traffic Commission shall refer the legislation to the following departments for the designated reports mentioned hereafter; said reports shall be submitted to the Traffic Commission no later than sixty (60) days from the date of the request:
 - a. Police Department - The Chief of Police shall produce a report indicating a traffic count of all vehicles using the street in question.
 - 1. The count shall consist of one-hour segments indicating a count of commercial vehicles with a carrying capacity of 2.5 tons or more, and all other vehicles.
 - 2. The count although preferred to be a consecutive twenty-four hour count, may consist of several two-hour segments totaling eight hours.
 - b. Engineering Department - The Engineering Department shall: Produce a map of the area showing the excluded route marked in red and the alternate route marked in green;
 - 1. Report on the proximity of probable alternate route or routes to the proposed excluded route; and
 - 2. Indicate the additional distance to be traveled by excluded vehicles using the alternative route or routes.
 - c. City Services Department - The City Services Department shall issue a report indicating the physical characteristics; i.e., length, width, type and condition of surface and sidewalks.
 - d. Building Department - The Building Department shall prepare a report indicating the types of buildings or property abutting the excluded streets and alternate routes.
 - e. Wire Department - The Wire Department shall prepare a report indicating all types of traffic controls existing on the proposed excluded street and the alternate routes.
 - (3) The Traffic Commission shall produce a written statement as to the need for such exclusion in the City of Everett and shall forward the same along with all reports and surveys to the local Massachusetts Highway Department and the City Clerk.

(Rev. Ords. 1976, T.O. Art. VI, §§ 2, 3)(Ord. of 6-19-2001, A0519-06) (A0150-09)

Section 18-183. Rights and duties of drivers in funerals or other processions.

- (a) Each driver in a funeral or other procession shall keep as near to the right edge of the roadway as is feasible and shall follow the vehicle ahead as closely as is practicable and safe.
- (b) At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication.
- (c) At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

(Rev. Ords. 1976, T.O. Art. VIII, § 22)

18-184 Transportation of Waste Matter, Sewage:

- (a) No person, other than employees of the City of Everett or of a contractor acting for the City of Everett while engaged in public work for the City of Everett, shall transport or carry waste matter, originating outside the City of Everett, in upon or through any street in the City of Everett.
- (b) The phrase “waste matter”, as used in this paragraph, shall be construed to include raw sewage, catch basin waste, industrial wastes, and any other waste that is the result of the processing of hazardous materials or the collection, treatment, or disposal of sewage.
- (c) Violation of this section shall result in a fine of \$300.00 (three hundred dollars) and each incident shall constitute a distinct and separate violation. (Ordinance of 12-04-2006 C0398-06)

18-185--18-200. Reserved.

ARTICLE VII. PEDESTRIAN CONTROL*

Section 18-201. Crossing ways or roadways.

Pedestrians shall obey the directions of police officers directing traffic and whenever there is an officer directing traffic, or a traffic control signal within three hundred (300) feet of a pedestrian, no pedestrian shall cross a way or roadway except within the limits of the marked crosswalk at the signalized location and as provided in this chapter. For the purpose of these regulations, a marked crosswalk shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two (2) solid white reflectorized twelve-inch pavement markings in rural areas or markings not less than six (6) inches wide in urban areas, such markings or lines being no less than six (6) feet apart. (Rev. Ords. 1976, T.O. Art. XI, § 1)

Section 18-202. Obedience to traffic control signals.

Traffic control signal color indications and legends shall have the commands ascribed to them in this section and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.

- (1) Red and yellow or the word "Walk." Whenever the red and yellow lenses are illuminated together or the single word "Walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
- (2) Red alone or "Don't Walk." Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "Don't Walk" are illuminated by rapid intermittent flashes.
- (3) Green alone. At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.
- (4) Yellow alone, red alone or flashing "Don't Walk." Pedestrians approaching or facing a yellow, red or flashing "Don't Walk" illuminated indication shall not start to cross a roadway.
- (5) Flashing red, yellow or green. At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

(Rev. Ords. 1976, T.O. Art. XI, § 3)

Section 18-203. Care for blind, other pedestrians.

The provisions of this article shall in no way abrogate the provisions of chapter 90, sections 14 and 14A, of the General Laws which provides "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways." Furthermore, notwithstanding the provisions of this article, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation. (Rev. Ords. 1976, T.O. Art. XI, § 5)

Section 18-204. Actuation of signals.

- (a) At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.

- (b) At a traffic control signal location, pedestrians shall yield the right-of-way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in this article.
- (c) It shall be unlawful for any person to actuate a pedestrian control signal unless a crossing of the roadway is intended.

(Rev. Ords. 1976, T.O. Art. XI, §§ 2, 4)

Section 18-205. Exemptions.

The provisions of this article shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair, to municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of this article.

(Rev. Ords. 1976, T.O. Art. XI, § 7)

Section 18-206. Penalties.

Any person who violates the provisions of this article which deal with the proper use of ways by pedestrians shall be punished as provided in chapter 90, section 18A, of the General Laws.

(Rev. Ords. 1976, T.O. Art. XI, § 8)