

ARTICLE 50. MUNICIPAL PARKING LOT REGULATIONS

50.1 Definitions. For the purposes of this article:

- a. "Person" shall mean and include an individual, firm, co-partnership, association or corporation.
- b. "Municipal Parking Lot" shall mean and include any land acquired or leased by the Town for use as a parking lot and any other land of the Town set aside for such use, either permanently or temporarily, by vote of Town Meeting.
- c. "Parking Meter" shall mean any mechanical device, not inconsistent with the provisions of this Article, placed or erected on any municipal parking lot of the Town for regulation of parking.
- d. "Parking Meter Space" shall mean a space in the portion of any municipal parking lot where parking meters have been installed which is duly designated for the parking of a single vehicle by painted lines or other markings on the surface of the lot adjacent to or adjoining a parking meter.

50.2. Revocable License to Park. The parking of any vehicle in a municipal parking lot shall be under a temporary license or permit from the Town. The license or permit shall be granted only to those persons who comply with, and shall be subject to, the provisions and conditions set out in this article and in the policies and procedures adopted by the Select Board under this Article. The license or permit shall be revocable at the will of the Town.

No person shall enter upon any municipal parking lot except in connection with the parking of a vehicle therein in accordance with such a license or permit.

50.3. Installation of Meters. Pursuant to the provisions of G.L. c. 40, § 22C, parking meters shall be installed in such municipal parking lots or portions thereof as the Select Board shall determine from time to time. Such meters shall be installed under the direction and supervision of the Select Board in accordance with the provisions of this Article.

Each parking meter installed hereunder shall show by proper legend the maximum parking time established by the Select Board for the parking meter space adjacent to it, as hereinafter provided, and shall at all times show the balance of parking time permitted. At the expiration of the period for which a parking fee was paid, the meter shall indicate illegal or overtime parking. Each such meter shall show by similar legend the parking fees established by the Select Board for said space.

50.4. Assumption of Risk. By parking a vehicle in a municipal parking lot the owner or operator thereof accepts and exercises a license or permit from the Town to do so under the provisions of this Article and thereby agrees to assume all risk of and responsibility for any loss or damage thereto or to any property therein, while said vehicle is in said municipal parking lot, from any cause whatever and to indemnify the Town, its officers, officials and employees, and save it and them harmless from and against all claims and demands whatsoever for or because of such loss or damage.

Any person, including but not limited to any owner, operator, or occupant of a vehicle, going into, upon or across a municipal parking lot, whether on foot or in a vehicle, for or in connection with the parking of a vehicle therein accepts and exercises a license or permit from the Town under the provisions of this Article and thereby agrees to assume all risk of and responsibility for injuries to their person, or for their death, while on or as a result of their having been on said lot, from any cause whatever, and that neither they nor any of their heirs, executors, administrators or assigns will make any claim or demand whatever against the Town or any of its officers, officials or employees for or because of such injuries or death.

50.5. Maintenance of Meters. The Select Board or its designee shall be responsible for the maintenance and repair of all parking meters installed in municipal parking lots. (*Amended ATM 2002*)

50.6. Permitted Parking Periods. The maximum periods of time vehicles will be permitted to park in the several municipal parking lots of the Town and in the various parking meter spaces therein shall be established by policies and procedures adopted by the Select Board.

No person shall park a vehicle in a municipal parking lot or in a parking meter space therein for longer than the maximum parking period established for said lot or space.

No person shall deposit or cause to be deposited in a parking meter any coin for the purposes of permitting a vehicle to remain in a parking meter space beyond the maximum period of time established for that space.

50.7. Parking Fees. The fees for parking vehicles in municipal parking lots and in parking meter spaces for such lots shall be established by policies adopted by the Select Board.

The Select Board may by such policies establish lower or different fees for residents than those which are payable by nonresidents or exempt such residents from the payment of such fees. If the Select Board shall so establish more favorable parking privileges for residents they may by such policies provide for the issuance to such residents of plates, stickers or other insignia to be affixed to their vehicles to show that they are entitled to residents' privileges.

The owner or operator of a vehicle parking the same in a parking meter space shall immediately deposit in the parking meter for that space the required coin or coins of the United States for the maximum parking time established for said space, or for any permitted subdivision thereof, as shown on the meter; and if so required, they shall set the mechanism in motion.

50.8. Safety Precautions. The ignition keys shall be removed and the hand brake or emergency brake shall be set by the owner or operator of every vehicle parked in a municipal parking lot.

50.9. Animals. No animals or pets shall be left in or upon any vehicle parked in a municipal parking lot.

50.10. Prohibited Parking. No person shall park a vehicle in a parking meter space, or in any other portion of a municipal parking lot where parking fees are payable, without paying the fees established by policies adopted by the Select Board under this article, unless they shall have been exempted from payment of said fees by such policies because they are a resident.

No person shall park a vehicle in the portion of any municipal parking lot where parking meters have been installed unless such vehicle is wholly within a parking meter space adjacent to such a meter.

50.11. Interference with Meters. No unauthorized person shall open, break, injure, destroy or tamper with any parking meter.

No person shall deposit or cause to be deposited in such a meter any slug, device or metal substance, or any other substitute for a coin required for the operation of such a meter, or do any other act or thing which will cause such a meter not to operate properly.

50.12. Collection of Fees. The Select Board or its designee shall be responsible for the collection of all fees payable for parking in the municipal parking lots. (*Amended ATM 2002*) Monies deposited in parking meters shall be collected at such intervals as the Select Board shall direct. All monies collected under this section shall be deposited forthwith with the Town Treasurer in the special account known as the Wellesley Parking Meter Account.

50.13. Enforcement. It shall be the duty of the officers of the Police Department, under the direction and supervision of the Chief of Police, to enforce the provisions of this Article and the policies adopted by the Select Board under it.

50.14. Penalties. Any person violating any of the provisions of this Article, or of the policies adopted by the Select Board under it, shall be subject to a fine of not more than twenty dollars (\$20.00) for each offense.

50.15. Policies and Procedures. The Select Board shall adopt, amend and repeal policies and procedures under the provisions of this Article. Policies and procedures under Section 50.6. are traffic regulations and shall be published in accordance with G.L. c. 40, § 22.

50.16. Partial Invalidity. If any provision of this article is for any reason declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this article.