

## 5.05 TOWING AND ABANDONED VEHICLES

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2. Quickly identify abandoned vehicles, identify and contact the owners to resolve the situation, prosecute offenders as appropriate, and remove abandoned vehicles before they lead to other problems.
3. This policy applies to abandoned and seemingly abandoned vehicles.

### III. DEFINITIONS

- A. *Abandoned Vehicle*: Any vehicle that is apparently abandoned by its owner and standing for more than seventy-two hours upon a public or private way or on any property without the permission of the property owner or lessee.<sup>1</sup>
- B. *Junk Car*: Any vehicle which is abandoned by its owner and apparently is worth less than the cost of removal, storage and expenses incident to disposition.<sup>2</sup>
- C. *Owner*: Person or entity listed as the owner in the records of the Registry, or who last had possession of the vehicle, legally or otherwise.
- D. *Parking Clerk*: Designated or appointed pursuant to M.G.L. c. 90 s. 21A ½ and shall supervise and coordinate the processing of abandoned motor vehicles.
- E. *Hearings Officer*: The parking clerk or designee.

### IV. PROCEDURES

#### A. Authority to Tow Vehicles Generally

1. Vehicles may be towed for the following reasons, **only if authorized by a supervisor** :
  - a. The vehicle is not properly registered or insured and on any way.<sup>3</sup>
  - b. The vehicle has been involved in a collision and is not safe to drive.
  - c. The vehicle constitutes an obvious hazard.
  - d. The vehicle is obstructing public travel.
  - e. The motor vehicle has been reported stolen or taken without the owner's consent and the owner cannot be contacted or cannot or will not respond to the scene within a reasonable period of time; or
    - 1) For the safekeeping of the vehicle and/or its contents; or
    - 2) The vehicle may contain evidence of a crime and cannot be processed at the scene.
  - f. The operator of the vehicle is taken into custody and the vehicle would be left:
    - 1) In a location hazardous to traffic;

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- 2) Unattended without the owners consent;
  - 3) In the care of an individual who is not authorized by the owner to operate the vehicle;
  - 4) In the care of an individual who is not capable of lawful operation of the vehicle.
- g. The operator of the vehicle is not properly licensed, and the vehicle would be left unattended on a public way.
  - h. The motor vehicle is unregistered and is on public land when deemed necessary for the protection of public safety. (4).
  - i. Adverse weather conditions or other emergency situation necessitates the removal of the vehicle from a way or public land.
  - j. The owner, operator or person having control of the vehicle authorizes the tow.
  - k. It is necessary to safeguard the vehicle and/or contents due to the inability, illness, injury or death of the operator, owner or person having control of the vehicle to adequately protect the vehicle and/or its content from theft or destruction.
  - l. When otherwise legally authorized.

### ***B. Authority to Tow Vehicles for Parking Violations***

#### 1. AUTHORITY TO TOW, LOCAL ORDINANCE

- a. Vehicles may be towed for the following offenses, only if authorized by a supervisor :
  - 1) General Prohibition Tow Zone if so marked;
  - 2) Impeding snow or ice removal;
  - 3) Upon a sidewalk;
  - 4) Within a cross walk;
  - 5) Within twenty (20) feet of an intersection way (except alleys);
  - 6) Upon any way within ten (10) feet of a fire hydrant;
  - 7) Double parked;
  - 8) In front of a public or private driveway where the vehicle will not allow access or egress; and
  - 9) Leaving less than ten (10) feet of unobstructed lane.
  - 10) Vehicles Parked or Standing in Violation of the Law: Vehicles may be towed for the following offenses for parking or standing on any part of any way under the control of the municipality **only if authorized by a supervisor.**
  - 11) Obstructing any handicapped ramp;

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- 12) Parking in or obstructing any handicapped parking area; or
- 13) Impeding snow removal.

b. The following vehicles may not be towed for these offenses:

- 1) Any government vehicle; and
- 2) Any vehicle registered to a foreign consular corps or consular officer bearing a distinctive number plate or conspicuously marked.

### 2. AUTHORITY TO TOW, STATE HIGHWAYS

a. Police officers have the authority to cite and/or tow vehicles parked in a prohibited manner for certain violations if **authorized by a supervisor.** <sup>5</sup>

- 1) Impeding snow or ice removal;
- 2) Within a crossover;
- 3) Upon any sidewalk;
- 4) Within a cross walk;
- 5) Leaving less than twelve (12) feet of unobstructed lane;
- 6) Within twenty (20) feet of an intersection way (except alleys);
- 7) Within ten (10) feet of a fire hydrant;
- 8) Upon or in front of any private road or driveway without consent of the owner;
- 9) Double parked;
- 10) With one or more wheels more than twelve (12) inches from the curb unless otherwise permitted;
- 11) On the roadway in a rural or sparsely settled district within any "No Passing Zone";
- 12) For more than twenty-four (24) hours, without permission of the Mass Highway;
- 13) On any bridge or in any tunnel, or approaches to unless a sign permitting parking has been posted or a breakdown lane has been designated;
- 14) In any acceleration or deceleration lane, on ramp, or off ramp of any express state highway; or
- 15) Upon a safety rest area those vehicles left unattended for more than 30 consecutive minutes provided signs are posted notifying of the tow zone.

b. **EXCEPTIONS TO TOW AUTHORITY:** The following vehicles may not be towed for these offenses: