



Jack D. Buckley
Chief of Police

MEDFORD POLICE DEPARTMENT

100 Main Street
Medford, Massachusetts 02155-4510

Emergency - 911
Business (781) 391-6404



FAX: (781) 395-5177
TDD: (781) 395-7587

City of Medford

Private Way Parking Restrictions

Dear City of Medford Resident:

This letter is to inform you of applicable ordinances and state law regarding the control of parking on a private way.

Under both state law and local ordinance, the City of Medford Police Department is limited as to what can be enforced on private ways. Details of the relevant state law(s) and ordinance(s) are included below.

City of Medford Ordinances

The City of Medford Police Department is limited by applicable state law as to what can be enforced on private ways. Accordingly, the Revised Ordinances of the City of Medford, specifically, Section 78-147, titled "Parking on Private Ways" states the following:

(a) *Intent of section; prohibited acts.* It is the intent of this section to ensure the orderly flow of traffic on private ways (ways on which the public has a right-of-access) and to ensure that public safety vehicles at all times have access to all properties and facilities therein situated. The following acts are unlawful:

- (1) It shall be unlawful to park an unregistered and/or uninsured vehicle on a private way.
- (2) It shall be unlawful to park a vehicle within ten feet of a fire hydrant.
- (3) It shall be unlawful for a vehicle to block or obstruct access to any driveway.

- (4) It shall be unlawful to park a vehicle within 20 feet of an intersection.
- (5) It shall be unlawful to block any emergency vehicle from proceeding on a private way.
- (6) It shall be unlawful to obstruct a private way so that during a winter storm a snowplow cannot clear the street.
- (7) A nonresident on a private way shall not be permitted to park more than 48 hours on such way.

(b) *Authority of police to tag and/or tow offending vehicles.* For each of the acts enumerated in subsection (a) of this section, the city police department shall have the authority to tag and/or tow the offending vehicle.

(c) *Fines.* The fines for the violations contained in subsection (a)(1)—(a)(7) of this section shall be the same as are levied by the police department for violations on public ways.

(d) *Severability.* Any subsection of this section found to be in violation of general laws shall not be deemed to invalidate any other subsection of this section.

Massachusetts General Laws- Parking on Private Ways

Private property owners requesting the removal of an unwanted vehicle by a tow company on improved and enclosed property or on a private way must follow strict guidelines set forth in state law, G.L. Chapter 266, section 120D. A copy of the statute is available online at:

<https://malegislature.gov/laws/generallaws/partiv/titlei/chapter266/section120d>

The statute includes the following requirements:

Fair Notice: The persons who have lawful control of such private property must forbid the operator of the vehicle from parking it or letting it stand upon that property either by informing the operator directly or by posted notice. Such posted notice must be prominently posted at each entrance to the property in such a way that a reasonable person will have known that parking at that location without permission will result in the towing of that vehicle.

Police Notification: No such vehicle shall be removed by the person in control of the property **UNTIL** he/she has notified the Medford Police Department that he is going to have it removed. Notification must be made

in person to the Medford Police Department. Please contact the Medford Police Department for a Notification Form that can be used for such purposes.

If you have any questions regarding this information, please do not hesitate to contact the Medford Police Traffic Unit at traffic@medfordpolice.com. We will provide you with as much assistance as we can within our capabilities.

The City of Medford is providing this general information to members of the public. The information does not and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with the City of Medford. Whether to take any action based upon the information contained herein should be determined only after consultation with your own legal counsel.

Massachusetts General Law Section 120D:

Removal of motor vehicles from private ways or property; penalties; liability for removal and storage charges; release of vehicle

Section 120D. No person shall remove a motor vehicle which is parked or standing on a private way or upon improved or enclosed property unless the operator of such vehicle has been forbidden so to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property. No vehicle shall be removed from such way or property without the consent of the owner of such vehicle unless the person who has lawful control of such way or property shall have notified the chief of police or his designee in a city or town, or, in the city of Boston the police commissioner, or a person from time to time designated by said police commissioner, that such vehicle is to be removed. Such notification shall be made before any such vehicle shall be removed, and shall be in writing unless otherwise specified by such chief of police or police commissioner and shall include the address from which the vehicle is to be removed, the address to which the vehicle is to be removed, the registration number of the vehicle, the name of the person in lawful control of the way or property from which such vehicle is being removed, and the name of the person or company or other business entity removing the vehicle. Vehicles so removed shall be stored in a convenient location. Neither the city or town, nor its chief of police or police commissioner or his designee, shall be liable for any damages incurred during the removal or storage of any such vehicle removed under this section. Any person who, without notifying the chief of police or his designee, or the police commissioner or his designee, or without obtaining the consent of the owner, removes a vehicle from a private way or from improved or enclosed property as aforesaid, shall, in addition to any other penalty of law, be punished by a fine of not more than one hundred dollars. The employer of such person if any, shall also be punished by a fine of not more than one hundred dollars.

Any person who purports to authorize the removal of a vehicle from a way or property as aforesaid without having fully complied with the provision of this section shall be punished by a fine of not more than one hundred dollars.

In addition to any other penalty provided by law, the registered owner of a vehicle illegally parked or standing on a private way or upon improved or enclosed property shall be liable for charges for the removal and storage of such vehicle; provided, however, that the liability so imposed shall not exceed the following, and provided, further, that the vehicle has been removed after compliance with the provisions of this section:

(1) the maximum amount for towing or transportation of motor vehicles established by the department of telecommunications and energy for motor vehicles towed away when such towing is ordered by the police or other public authority under the provisions of section six B of chapter one hundred and fifty-nine B; and

(2) the maximum charge for storage of non-commercial passenger motor vehicles with a maximum capacity of nine persons, shall be not more than the maximum storage charge allowed under the provisions of said section six B of said chapter one hundred and fifty-nine B.

A person lawfully holding a vehicle removed under the provisions of this section may hold such vehicle until the registered owner pays the removal and storage charges.

Any person who is called to remove by towing a vehicle illegally parked or standing on a private way or upon improved or enclosed property may, at his discretion, if the owner appears to remove said vehicle before the towing is completed, charge said owner one half of the fee usually charged for such towing.

Any person who removes a vehicle illegally parked or standing on a private way or upon improved or enclosed property, or holds such a vehicle after its removal, and who has not complied in full with the provisions of this section, shall release such vehicle to its owner without assessing any charges for its removal or storage.