

AMHERST PERMIT PARKING REGULATIONS

These regulations, adopted by the Select Board on July 26, 1999 (with changes adopted on September 30, 2002 and June 27, 2005) implement the Parking and Delivery and Residential Parking provisions of Article II, General Regulations: Conduct In Or On Public Ways and Places, of the General Bylaws of the Town of Amherst.

1. Permit Areas

1.0 Town Center Permit Parking Area. A town center permit parking area shall be established and shall include all posted on-street parking areas, except as otherwise herein indicated, on the following streets and sections of streets:

- Amity Street (Prospect Streets to Lincoln Avenue) - both sides
- North Prospect Street - west side only
- South Prospect Street - west side only
- McClellan Street (North Pleasant St. to Beston St.) - south side only
- North Pleasant Street (McClellan St. to Triangle St.) - west side only
- Spring Street (Churchill St. to Dickinson St.) - south side only
- Churchill Street - Spring St. to Alumni Hall--west side only; Main St. to Spring St.—both sides, excluding section 50 feet north of Spring Street on west side; Main St. to Lessey St. - east side only
- Seelye Street (Main St. to Spring St.) – both sides; from Spring St. to College Street, west side only
- Cowles Lane – beginning No. Prospect St, eastward approximately 250 feet; south side of street.
- Pray Street Parking Lot – twenty (20) spaces in the westerly half of the parking lot (excepting an existing handicapped space)
- Smith Street – east side only
- Gaylord Street-south side only

1.1 Resident-Only Permit Parking Areas. Resident-only permit parking areas shall be established on the following streets and sections of streets:

- 1.10 Resident-Only Permit Area #1 shall consist of posted areas on Allen Street and on Nutting Avenue between Fearing Street and Phillips Street.
- 1.11 Resident-Only Permit Area #2 shall consist of posted areas on the portion of McClellan Street between Beston Street and Lincoln Avenue.

2. Permit Space Indicators

2.0 Parking permit areas shall be posted with signs indicating the purpose of the spaces, the effective dates and hours, and the consequences of violations.

3. Eligibility

3.0 Eligibility for parking permits in the town center permit parking area shall be limited to persons who reside or work at, or own, properties which: a) are within the General Business (B-G) and abutting Limited Business (B-L) zoning districts or; b) have frontage on, or principal access by established rights of access, to posted streets or sections of streets listed in Section 1.0, except that the Select Board shall determine such permits as may be made available to persons who reside or work on any such properties owned by Amherst College.

3.1 Eligibility for parking permits in resident-only parking areas shall be limited to persons who reside at or own properties with frontage on, or principal access by established rights of access to the streets or sections of streets listed under Section 1.1 and posted under Section 2, except that residents of Cosby Ave are eligible for permits in Resident-Only Permit Area #2. No person shall be deemed a resident of more than one resident-only permit parking area.

4. Permit Types, Options and Regulations

4.0 Access to posted permit parking spaces within the town center and resident-only permit parking areas shall be by parking permits and visitor passes which may be obtained and used as follows:

- 4.00 Employers/Employees. Eligible employers and employees may apply for and purchase one (1) parking permit for their own use during any permit year. Eligible employers may acquire permits on behalf of their employees, and organizations utilizing volunteers may acquire permits on behalf of their volunteers, under rules, regulations and fees established by the Town Manager, who shall be authorized to promulgate such rules, regulations and fees. Any person aggrieved by any decision of the Town Manager under said regulations has recourse to appeal under the provisions of Section 13.
- 4.01 Residents. Eligible residents may apply for and purchase one (1) parking permit for their own use in the appropriate permit area(s) during any permit year. Eligible owners of residential properties may acquire permits on behalf of their tenants under rules and regulations established by the Town Manager, who shall be authorized to promulgate such regulations. Any person aggrieved by any decision of the Town Manager under said regulations has recourse to appeal under the provisions of Section 13.
- 4.02 Two-vehicle Permits. Eligible employers and employees may purchase two parking permits to be used by a maximum of two vehicles. Each vehicle qualifying for such permits shall be registered at the same location.
- 4.1 Visitor and Guest Passes. Visitor passes shall be for the exclusive use of the visitors of places of business and households in the town center and resident-only parking permit areas. Guest passes shall be for the exclusive use of the overnight guests of lodging establishments in those permit areas.
- 4.10 Visitor Passes - Employers and residents eligible for parking permits may apply for and purchase visitor passes for the use of their household or business, in an amount not to exceed a yearly maximum of 60 days' worth, whether or not they purchase and hold a parking permit.
- 4.100 For the purposes of these regulations, a household shall be defined as an individual dwelling unit or group residence, regardless of the number of persons residing therein.
- 4.101 Employees of businesses in permit areas shall not be eligible to obtain visitor passes on behalf of their place of employment.
- 4.102 Only one eligible employer per business and only one eligible resident per household may obtain visitor passes on behalf of said business or household. Any such eligible employers and residents who apply for and hold a parking permit may obtain, free of charge, visitor passes good for a total of 30 days' parking in the respective permit area during the applicable permit year, and may purchase additional visitor passes up to the yearly total. Each visitor pass shall display date of use and the visitor vehicle license plate number.
- 4.11 Use of Visitor Passes by Service Providers - Elderly or disabled residents eligible for parking permits and in need of the assistance of registered professional caregivers or other individuals providing on-premises health/home/hospice care and essential residential support services, or the representatives of such elderly and disabled persons, may apply for and hold visitor passes for the use of such caregivers under agreements established by the Parking Supervisor. Eligible residents or their representatives need not hold a parking permit in order to have access to visitor passes for this purpose. Such passes shall be marked with a symbol indicating their purpose at the time of issuance, and shall only be valid for use during the provision of such services on a property within the appropriate permit parking area(s).
- 4.12 Guest Passes - Hotels, inns, bed and breakfasts and similar establishments for overnight lodging may purchase guest passes for the use of their overnight guests only. The total number of guest passes issued to such an establishment shall not exceed the number of bedrooms in the establishment certified by the Building Commissioner to be without dedicated on-site or off-site parking spaces as required under zoning. Guest passes purchased for this purpose shall be marked as such and shall have the name of the lodging establishment printed on them at the time of issuance. Any lodging establishment holding such passes shall immediately inform the Parking Enforcement Supervisor of any change in the number of its bedrooms, its parking capacity and its annual days of operation.

- 4.2 Building, grounds, repair, maintenance and cleaning contractors and similar tradespeople may park clearly identified commercial vehicles in posted parking permit spaces without a parking permit or pass while engaged in providing services on the premises of a property within the permit area where the vehicle is parked.

5. Application Requirements

- 5.0 All parking permit applicants, permit holders, visitors, guests, caregivers and any others using parking permits and passes shall have a valid driver's license. In addition, any person otherwise eligible but without a driver's license for reasons of age, disability or other compelling circumstances may apply, under the provisions of Section 4.11, for visitor passes and may designate others to hold and use such passes on their behalf. All vehicles for which parking permits or passes are sought, or in which they are used, shall have a current, valid registration. All outstanding Amherst vehicle excise taxes and parking fines incurred in Amherst by a permit or pass applicant shall be paid in full prior to issuance of any permit or pass.
- 5.1 Documentation of eligibility shall accompany all applications for a parking permit or pass. Required documentation may include, but is not limited to: current vehicle registration; current driver's license; proof of current legal residency (for tenants this shall include written documentation of occupancy signed by the property owner); proof of current full-or part-time or temporary employment (paystub, letter from employer); for lodging establishments--annual days of operation and certification from the Building Commissioner of the current number of bedrooms without reserved parking, and; for service provider visitor passes, proof of eligibility (age or disability), where appropriate, for the person receiving services. The decision of the Town Manager as to the extent of application requirements and the validity of any applicant's claims of residency, employment or other condition of eligibility shall be final, except that a person aggrieved by any such decision may appeal it under the provisions of Section 13.
- 5.2 If at any time during a permit year, the status of a permit holder's residential, employment, vehicle registration or other aspect of eligibility changes such that said permit holder no longer meets the eligibility requirements for the permit area(s) for which they hold a permit or passes, then any and all such permits or passes held by that person shall immediately expire.
- 5.3 Permits or passes that are stolen or lost shall be immediately reported to the Parking Supervisor. Valid permits that become damaged and/or are rendered incapable of proper display or illegible to parking enforcement personnel may, upon application by the eligible current permit holder, be replaced upon payment of a fee (see Section 8).

6. Access to Parking Spaces

- 6.0 No parking permit space shall be dedicated for or restricted to the use of any individual permit holder. Any holder or users of a parking permit or pass for a specific permit parking area may use any posted parking permit space in said area. A parking permit or pass entitles its holder or user access to any posted parking permit space for which the permit or pass is valid, but does not ensure the availability of any such space.
- 6.1 Parking permits or passes shall only be valid at permit parking spaces posted as being the area for which a permit or pass is issued. Parking permits or passes shall not be valid for use in lieu of payment at metered parking spaces or at any other parking space not posted as a permit parking space.
- 6.2 Disabled persons with a valid handicapped parking identification plate, plaque or sticker issued by any state, Canadian province or the Town of Amherst may park in any posted parking permit space without a permit. However, parking permit spaces are standard on-street, parallel parking spaces. Such spaces do not meet, and are not required to meet, Massachusetts Architectural Access Board (AAB) regulations for public handicapped accessible parking spaces.

7. Permit Characteristics & Display Requirements

- 7.0 To be valid, standard resident and employer/employee parking permits shall be permanently affixed to the upper left hand corner of the inside of the window immediately behind the driver. Where there is no window behind the driver, the permit shall be affixed to the upper right hand corner of the inside of the driver's side window.

- 7.1 To be valid, two-vehicle permits shall be displayed in a clear plastic sleeve affixed to the upper left hand corner of the inside of the window immediately behind the driver. Where there is no window behind the driver, the permit shall be affixed to the upper right hand corner of the inside of the driver's side window.
- 7.2 To be valid, visitor passes shall be hung from the rear view mirror, and shall display the date of use, visitor vehicle license plate number and the address of the permit holder. Visitor passes shall be hung so as to be easily viewed and read by parking enforcement personnel.
- 7.3 To be valid, guest passes shall be placed face up on the driver's side dashboard so as to be easily viewed and read by parking enforcement personnel outside the vehicle.
- 7.4 Permit holders shall remove all expired parking permits from any vehicle that is sold, leased or otherwise leaves their control or custody, or ceases to be registered. All expired parking permits shall be removed from vehicles.

8. Annual Parking Permit Fees

- 8.0 Annual fees for parking permits and passes established under this section shall be set and may be adjusted by the Select Board or its designee.
- 8.1 Town Center. Annual fees for the town center permit parking area shall be as follows:
- Resident permit - Vehicles registered in Amherst--\$25; vehicles not registered in Amherst--\$25
 - Employer/employee permit - \$25
 - Visitor pass - 30 days free with standard permit; \$1/day for other passes up to an annual maximum of 60 days, except that passes shall be free for eligible elderly or disabled residents receiving in-home services.
 - Two-vehicle permit - \$35
 - Guest pass - \$10 for initial and replacement passes
 - Permit replacement fee - \$10 for each replacement permit.
- 8.2 Resident-Only. Annual fees for resident-only permit parking areas shall be as follows:
- Resident - Vehicles registered in Amherst, \$25 - vehicles not registered in Amherst, \$25
 - Visitor pass - 30 days free with standard permit; \$1/day for other passes up to an annual maximum of 60 days, except that passes shall be free for eligible elderly or disabled residents receiving in-home services.
 - Guest pass - \$10 for initial and replacement passes.
 - Permit replacement fee - \$10 for each replacement permit.
- 8.3 Pro-rating. There shall be no pro-rating of fees for parking permits or passes purchased at times other than at the beginning of the permit year.

9. Permit Year

- 9.0 The effective parking permit year shall be from September 1 of one year through May 31 of the following year. Permits may be applied for and purchased at any time throughout the year.

10. Effective Hours of Operation

- 10.0 Town of Amherst parking permits and passes shall provide holders and users access to posted permit parking spaces only during effective dates and hours of operation. The effective hours of parking permit spaces shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise determined by the Select Board or its designee. The parking permit system shall not operate at other hours or on Saturdays, Sundays or on state or federal holidays, unless otherwise determined by the Select Board or its designee.

11. Regulations, Violations & Penalties

11.0 General Regulations.

- 11.00 All other traffic and parking regulations and associated penalties of the Commonwealth of Massachusetts and the Town of Amherst shall remain in full force and effect within the parking permit areas established by these regulations. This shall include but is not limited to no parking zones, delivery zones, winter on-street parking bans and temporary emergency parking bans. The regulations of the Town of Amherst parking permit areas shall operate in addition to said state and Town regulations.
- 11.01 Payment of Town of Amherst parking permit fees entitles eligible applicants to hold and use permits or passes to gain access to permit parking spaces. However, all parking permits and passes shall remain the property of the Town of Amherst, and shall be submitted to parking enforcement personnel for inspection upon demand.
- 11.02 Responsibility for violations of Town of Amherst parking permit regulations shall rest with the registered owner of the vehicle involved in the violation.
- 11.03 Each day or portion thereof during which a violation continues shall be considered a separate offense, and each provision of these regulations violated shall constitute a separate offense.

11.1 Use Regulations.

- 11.10 Except as otherwise noted in these regulations, no person shall park in a posted permit parking area without a current parking permit or pass valid for that area.
- 11.11 No parking permit holder shall improperly use nor allow the improper use of a parking permit or visitor pass for which they are the holder. Improper uses of parking permits and visitor passes shall include:
- 11.110 Use of a parking permit or pass by an ineligible person or vehicle.
- 11.111 Use during a permit year or on dates other than those designated on the permit or pass.
- 11.112 Improper display of a permit or pass.
- 11.113 Use of a visitor pass designated for residential in-home service providers by any person other than such a provider.
- 11.114 Use of a visitor pass by a service provider while not engaged in delivering services on the premises of a property within the permit parking area.
- 11.115 Use of a guest pass designated for lodging purposes by any person other than a registered paying guest of a permit holding lodging establishment within the parking permit area.
- 11.116 Use of a permit or pass by a person without a valid driver's license, or by a person operating a vehicle without valid motor vehicle registration.
- 11.117 Use of a permit or pass by any person with outstanding unpaid Town of Amherst vehicle excise taxes or parking fines.
- 11.12 No person shall sell, offer for sale, give or trade for compensation, or give or transfer without compensation, any parking permit or pass, nor shall any person affix such a permit or pass to any motor vehicle other than a vehicle designated and authorized under these regulations to receive such a permit or pass.
- 11.13 No person shall tamper with or counterfeit any parking permit or pass, nor shall any person use any parking permit or pass which has been tampered with or counterfeited.

11.2 Penalties for violation of the provisions of Sections 11.1 may include the following:

11.20 Issuance of a warning flyer.

11.21 Issuance of a parking ticket with a fine of \$25.

11.22 Use of a vehicle wheel-restraint device.

11.23 Towing.

11.24 Revocation of parking permits or passes for a period not to exceed two (2) years.

12. Enforcement

12.0 These regulations may be enforced pursuant to the non-criminal disposition method as contained in M.G.L. Chapter 40, Section 21D. Enforcing persons shall be the Parking Enforcement Supervisor, parking enforcement officers and police officers.

13. Permit Revocation & Appeal

13.0 The Town Manager shall have the authority to revoke or deny parking permit privileges for the violations and periods established under these regulations. Any person aggrieved by any such decision of the Town Manager, or any decision of the Parking Enforcement Supervisor under these regulations, may appeal said decision in writing to the Parking Commission, which shall be authorized to hear and act upon such appeals. Within thirty (30) days of receipt of an appeal, the Commission shall hold a hearing on said appeal, legal notice of which shall be published at least 48 hours in advance of said hearing in a newspaper of local circulation. After the hearing, the Commission shall have fourteen (14) days within which to file a written ruling overturning, amending or upholding the appealed revocation or denial. Written notice of said ruling shall be transmitted to the Parking Enforcement Supervisor and the person who filed the appeal.

Amended: 2001; 2002; 2005