

BYLAW REVIEW COMMITTEE MINUTES SEPTEMBER 17, 2013

Bylaw Review Committee Minutes

September 17, 2013 (Approved)

Attendees:

Steve Webber
Mark Haddad
Michael Bouchard

Meeting was called to order at 11:00 AM

The purpose of the meeting was to review Chapters 205 Unregistered Cars and 273 Unregistered Cars (Selectmen Regulations). This review was initially requested by the Police Chief for the purpose of enhancing enforceability. The existing bylaw is lacking in definition and enforcement powers.

A summary of key points of the bylaws of Leominster, Montague, Littleton and Westford was used as reference.

The major points of discussion included:

- Definitions – expand the list to include needed terms.
- What can be done with a motor home?
 - Can a registered motor home be kept in site form the road?
 - Where can an unregistered motor home be stored?
- Should this bylaw be extended to include boats? ATVs? Other?

Please reference the attached DRAFT 1 of the bylaw for specific changes and discussion points.

Meeting was adjourned at 12:00 pm

Respectfully,

Michael Bouchard

**** DRAFT 1 AS REFERENCED IN THE SEPTEMBER 17, 2013 MINUTES ****

Chapter 205. VEHICLES, UNREGISTERED

[HISTORY: Adopted by the Annual Town Meeting of the Town of Groton 3-21-1987 by Art. 26. Amendments noted where applicable.]

GENERAL REFERENCES

Unregistered vehicles rules and regulations — See Ch. **273**.

§ 205-1. Purpose.

[Amended 4-25-1992 ATM, Art. 19]

The purpose of this chapter is to regulate and control unregistered and disassembled motor vehicles within the Town of Groton, to protect the views along our publicly traveled ways and to keep the visual impact of such vehicles on the neighborhood to a minimum. Any motor vehicle which does not have a displayed valid license plate will be considered unregistered for enforcement of this chapter.

§ 205-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONCEALED

Out of sight from a public way and the neighborhood..

ED. Note: Does / should “ public way “ include private streets and ways (i.e. shared driveway)? Will there be confusion about an accepted street vs. not?

MOTOR VEHICLE

Any motor vehicle defined as such in M.G.L. Chapter 90, Section 1, requiring registration pursuant to M.G.L. Chapter 90, Section 2 to be operated on a public way.

JUNK VEHICLE: One which is worn out, cast off or discarded and which is ready for dismantling or destruction or which has been collected or stored for salvage or for stripping in order to make use of parts thereof. Any parts from such a vehicle shall be considered a “junk vehicle” under this chapter.

INOPERABLE VEHICLE: any Motor Vehicle or Trailer, that is not capable of being used as such in its existing condition by reason of being damaged, dismantled or failing to contain parts necessary for operation. Any Unregistered Vehicle , as defined herein, shall be considered an Inoperable Vehicle for the purposes of this Bylaw.

OPERABLE VEHICLE: any Motor vehicle or Trailer, that is capable of being used in its existing condition for the purpose for which it was designed and that is registered in accordance with M.G.L., Chapter 90, Section 2.

UNREGISTERED VEHICLE: Any motor vehicle which does not display a current registration plate assigned to that vehicle will be considered unregistered for the purposes of enforcement of this chapter.

**** Alternate definition: UNREGISTERED VEHICLE:** any motor vehicle or trailer that is not registered in accordance with Massachusetts General Laws, Chapter 90, Section 2.

TRAILER : any vehicle defined as such in M.G.L. Chapter 90, Section 1.

MOTOR HOME

"Auto home", any motor vehicle originally designed or permanently altered and equipped for human habitation which is not used to transport property other than that property used for human habitation or camping purposes. A motor vehicle designed primarily to transport property which has been temporarily altered or equipped for human habitation shall not be deemed to be an auto home. (M.G.L Chapter 90, Section 1)

FARM, GARDEN OR NURSERY VEHICLE

Tbd

GARAGE

Tbd; to include metal framed garage kits

Reference MGL: any place where five or more motor vehicles are stored or housed at any one time for pay, except only such places in which motor vehicles are kept by the owners thereof without payment for storage.

§ 205-3. Conditions of permissible storage.

In no event shall an unregistered or otherwise inoperable motor vehicle or parts thereof be permitted to remain outside or be stored outside for more than 30 days , unless the vehicle is concealed.

[Amended 4-25-1992 ATM, Art. 19]

- C. Number of vehicles. A maximum of two vehicles may be concealed
- D. The provisions of the above shall not apply to motor vehicles designed and used for farming purposes, to motor homes, utility trailers or camping trailers, to persons and firms legally operating an automotive or trucking enterprise nor to persons or firms in lawful exercise of licenses granted under MGL C. 140, §§ 58 and 59, as amended.

- E. Notwithstanding Subsections **A** through **D** (ed. Note: may become A thru C) above, a special permit to store or park any unregistered or dismantled motor vehicle may be granted by the Board of Selectmen or its appointed representative if it finds that such:
- (1) Is in keeping with and complies with the general purpose and intent of this chapter.
 - (2) Will not adversely affect the neighborhood by reason of unsightliness.
 - (3) Will not be a nuisance.
 - (4) Any such permit will contain an expiration date, not to exceed one year. Permits may be renewed.

§ 205-4. Administration.

- A. The Board of Selectmen is hereby authorized to adopt and, from time to time as necessary, to amend reasonable rules and regulations for the administration and enforcement of this chapter and to levy such (nonrefundable) fees as may be required for the administration thereof but only after a public hearing.
- B. A copy of this chapter and any rules and regulations pertaining thereto shall be attached to each copy of an application form and made available to all applicants for a special permit to store an unregistered or disassembled vehicle under the provisions of § **205-3**.
- C. The Selectmen shall notify all abutters within 300 feet of the property of a scheduled meeting of the Board of Selectmen to consider the granting of a special permit.
- D. The Selectmen may request an agent of the town to inspect the property in question, and receive a report describing issues of concern.
- D. All decisions for approval or disapproval must be in writing, giving the reasons for approval or disapproval.

§ 205-5. Enforcement

- A. This Bylaw may be enforced by the Police Department, Board of Health, Zoning Enforcement Officer, or other designee of the Board of Selectmen.
- E. Any officer authorized to enforce this chapter may enter property where a vehicle is in plain view to determine if the vehicle is registered for the purpose of enforcement of this chapter only.

[Added 4-25-1992 ATM, Art. 19]

§ 205-5. Violations and penalties.

Whoever violates any provisions of this chapter shall be liable to a penalty as determined in Board of Selectmen regulations. (ED. NOTE: REGULATION)

Chapter 273. VEHICLES, UNREGISTERED [HISTORY: Adopted by the Board of Selectmen of the Town of Groton 9-15-1986, as amended through 8-10-1987. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Unregistered vehicles — See Ch. **205**.

§ 273-1. Rules and regulations.

Applicants for special permits under Chapter **205**, Vehicles, Unregistered, in the Code of the Town of Groton shall be subject to the following rules and regulations:

- A. An application for a special permit shall not be considered complete unless the following items are submitted to the Board of Selectmen at least 10 days prior to the scheduled special permit hearing:
- (1) A completed application form, available in the Selectmen's office.
 - (2) An informal sketch of the property on which the motor vehicle will be stored which includes the approximate locations of roads, driveways, buildings and the location of the vehicle to be stored.
 - (3) A recent photograph of the vehicle.
 - (4) A list of abutters within 300 feet of the property that has been certified as complete by the Board of Assessors.
 - (5) A nonrefundable application fee of \$25 for each special permit application.

[Amended 9-26-2005]

- B. Abutters, as provided in Subsection **A(4)**, shall be notified by the Selectmen's office, by first-class mail, of the special permit application and public hearing at least five days prior to the hearing.
- C. A special permit shall be granted only to the owner of the property upon which the vehicle is proposed to be stored; however, a person other than the property owner may apply for the permit with the written notarized consent of the property owner, provided that the consent is provided to the Selectmen. The consent must include the property owner's current address if he/she is not a resident of the property.
- D. The fee of \$25 for a special permit shall be paid to the Town upon the granting of the permit by the Board of Selectmen.

[Amended 9-26-2005]

- E. A special permit shall apply to a maximum of one vehicle; however, an applicant may apply for more than one special permit, with a fee of \$25 for each approved special permit.

[Amended 9-26-2005]

§ 273-2. Violations and Penalties

Whoever violates any provisions of Chapter 205 shall be liable for a penalty of:

\$25 per day for each of the first seven days of violation

\$50 per day for each day of violation from the eighth day to the fourteenth day

\$100 per day for each day of violation thereafter.

Each vehicle in violation is considered a separate violation.

§ 273-3. Appeals

Fines issued under this authority may be appealed to the Board of Selectmen within 21 days from the issuance of the fine. The fine schedule shall be in effect until an appeal is requested in writing.

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Groton Sections	Groton Ch 205 / 273	Westford Ch 165	Littleton Ch 165	Montague
205-1 PURPOSE	Regulate and control unregistered and disassembled motor vehicles; to protect views along travelled ways	Not stated	Not stated	Provide mechanism regulating the storage of inoperable / unregistered motor vehicles
205-2 DEFINITIONS	Concealed	Junk Car	Junk Vehicle; Unregistered vehicle	Farmer; Garage; Motor Vehicle (inoperable, operable, unregistered trailer)
205-3 CONDITIONS OF PERMISSIBLE STORAGE ----- EXEMPTIONS	Front yard; Side or back yard; Number of vehicles; Exclusions (farm vehicles; motor homes; utility or camping trailers; Class 1,2 and 3 dealers); Special Permits from Board of Selectmen	165.3 Class 1, 2 or 3 licensees are exempt	165-2 Enclosed vehicles are exempt 165-4 Exempt businesses: Class 1, 2 or 3 licensees; Farm, garden, or nursery businesses	3: One inoperable vehicle may be stored 4: more than one vehicle allowed if garaged, permitted or holds Class 1, 2 or 3 license
205-4 ADMINISTRATION	Board of Selectmen to adopt regulations with a public hearing process ----- Any authorized officer may enter property for the purpose of determining vehicle registration <hr/> Ch 273 (A, B, D) Application process for Special Permits; (C) Special Permit granted to owner of property only; (E) One vehicle per permit (multiple permits allowed)	165.5 More than 2 junk cars: Apply for a Board of Selectmen hearing; May not be issued for more than 1 year	165-5 License application for more than 1 unregistered or junk vehicle to the Board of Selectmen using a public hearing process 165-6 License terms of not longer than 1 year ; determination of proper storage conditions; renewals 165-7 Revocation	5: Permit process detailed; Board of Selectmen public hearing
LICENSE REQUIRED	205-3.E Conditions implied	165.4 For 1 or 2 junk cars, permit issued by Building Inspector – may be appealed to Board of Selectmen for a hearing	165-1 No more than 1 unregistered or junk vehicle without license	4: more than one vehicle allowed if garaged, permitted or holds Class 1, 2 or 3 license

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Enforcement and Violations	<p>205-5 \$100 per vehicle per violation (Note: Is each day of non-compliance a violation?)</p> <p>Enforcement authority not defined</p>	<p>165.6 License can be revoked with resident petition and hearing</p> <p>165.7 \$200 for second offense</p>	<p>165-8 Police have authority to enforce</p> <p>165-9 After 30 days from notification, \$50 per day per offense</p>	<p>6: enforcement by Police, Board of Health, Zoning Enforcement Officer or other designee of Board of Selectmen</p> <p>7: Non-criminal disposition and Criminal Complaint defined; conditions for which type of process not defined</p> <p>8: Grandfathering for days from enactment</p>