

BYLAW REVIEW COMMITTEE MINUTES SEPTEMBER 26, 2013

Bylaw Review Committee Minutes

September 26, 2013 _ Approved

Attendees:

Steve Webber
Mark Haddad
Michael Bouchard
Jay Prager
Peter Cunningham

Meeting was called to order at 1:30 PM

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 Committee reviewed each section of Chapter 205. Please reference the attached DRAFT 2 of the bylaw for specific changes and discussion points.

The Committee decided to use definitions available under Mass General Law Chapter 90 Sections 1 and 2 instead of redefining terms in the bylaw. MGL has been vetted, and our bylaw will be consistent with state law.

The Town's bylaw is being revised by the Committee to support the goal of the bylaw as defined in Section 205-1 Purpose with enough specificity to enable the public at large to understand requirements and for enforcement of the bylaw.

Meeting was adjourned at 3:00 pm

Respectfully,

Michael Bouchard

** DRAFT 2 AS REFERENCED IN THE SEPTEMBER 26, 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

No visible evidence of the vehicle discernable at the boundaries of the property.

MOTOR VEHICLE

Any motor vehicle as that term is defined in M.G.L. Chapter 90 Section 1 requiring registration pursuant to the general laws of Massachusetts.

(** Sept 26 Ed. Note: are the definitions of Junk, Inoperable and Operable still needed? Do we need a definition for Dismantled (see section 205-3.C))

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 or trailer that is not registered in accordance with Massachusetts General Laws, Chapter 90, Section 2.

§ 205-3. Conditions of permissible storage.

A. In no event shall an unregistered motor vehicle or parts thereof be permitted to remain on a property for more than 30 days without being concealed.

B. The provisions of the above shall not apply to motor vehicles designed and used for farming purposes, or 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.

C. Notwithstanding Subsections A and B 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.

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 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 and vehicles 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, 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.

§ 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.