

# Chapter 205 Unregistered Vehicle Bylaw Recommendation

Spring Town Meeting  
April 28, 2014

## Bylaw Review Committee

Steve Webber  
Jay Prager  
Peter Cunningham  
Mark Haddad  
Michael Bouchard





# Committee Charge

- Purpose
  - Periodic review of bylaws and upon request
  - Attention on Chapter 205 Unregistered Vehicle Bylaw
- Issue
  - Existing bylaw viewed as unenforceable; Vague
- Committee asked to review and recommend changes



# PROCESS OF THIS REVIEW

- 5 Bylaw Review Committee Public Meetings
- Review of 4 other towns' similar bylaws
- Committee discussions
  - Police Chief
  - Building Inspector
- Review of recommendation by Town Counsel



# RECOMENDATION

TOPIC	Current Bylaw	RECOMMENDATION	COMMENTS
<b>205-2 Definitions</b>	“Concealed” : Out of sight and may include a tarp, behind a fence or behind trees or shrubs which are green year round	“Concealed” “Motor Vehicle” (new) “Junk vehicle” (new) “Inoperable Vehicle” (New) “Unregistered Vehicle” (new)	<ul style="list-style-type: none"> <li>• <b>Concealed</b> changed to state “no visible evidence discernable at the boundaries of the property”;</li> <li>• “Tarps”, “behind shrubs and fences” no longer qualify as concealed</li> </ul>
<b>Purpose:</b> Clarify and define terms used in the bylaw			

# RECOMMENDATION



TOPIC	Current Bylaw	RECOMMENDATION	COMMENTS
<p><b>205-3</b>  <b>Conditions of Permissible Storage</b></p>	<ul style="list-style-type: none"> <li>• Front yard storage limited to 30 days;</li> <li>• Side and back yard allowed if in a building or area concealed from public view and the neighborhood;</li> <li>• Maximum of 2 vehicles may be concealed by tarps;</li> <li>• Permits may be issued if conditions can not be met</li> </ul>	<ul style="list-style-type: none"> <li>• Unregistered motor vehicle or parts thereof shall be concealed after 30 days</li> <li>• Permits may be issued if conditions can not be met</li> </ul>	<p>Uniform conditions</p>

# RECOMMENDATION



TOPIC	Current Bylaw	RECOMMENDATION	COMMENTS
<p><b>205-3</b>  <b>Conditions of Permissible Storage</b></p>	<ul style="list-style-type: none"> <li>• Shall not apply to farm vehicles, motor homes, utility or camping trailers</li> <li>• Shall not apply to automotive or trucking enterprises or persons holding licenses granted under MGL Ch 140 Sections 58 and 59</li> </ul>	<ul style="list-style-type: none"> <li>• Shall not apply to farm vehicles</li> <li>• Shall not apply to automotive or trucking enterprises or persons holding licenses granted under MGL Ch 140 Sections 58 and 59</li> </ul>	<ul style="list-style-type: none"> <li>• Motor homes and trailers must be registered or concealed</li> <li>• No change</li> </ul>

# RECOMMENDATION



TOPIC	Curent Bylaw	RECOMMENDATION	COMMENTS
<b>205-5 Enforcement</b>	<ul style="list-style-type: none"> <li>Enforcement officer not defined</li> <li>“Any officer authorized to enforce” may enter the property to inspect vehicle</li> </ul>	<ul style="list-style-type: none"> <li>Enforcement officers                             <ul style="list-style-type: none"> <li>Police</li> <li>Building Commissioner</li> <li>Designee of the Selectmen</li> </ul> </li> <li>Bylaw does not authorize “entering the property” without permission; may inspect from a public way</li> </ul>	<ul style="list-style-type: none"> <li>Enforcement officers defined</li> <li>Clarification of authority</li> </ul>

# RECOMMENDATION



TOPIC	Current Bylaw	RECOMMENDATION	COMMENTS
<b>205-5 Enforcement</b>	<ul style="list-style-type: none"> <li>Notification of violation process not defined</li> <li>Penalties of not more than \$100 per violation</li> </ul>	<ul style="list-style-type: none"> <li>Violations subject to penalties starting 14 days after notification</li> <li>Schedule of penalties                             <ul style="list-style-type: none"> <li>\$25 per day (7 days)</li> <li>\$50 per day (8<sup>th</sup> to 14<sup>th</sup> day)</li> <li>\$100 per day thereafter</li> </ul> </li> <li>Each vehicle in violation a separate violation</li> <li>Non-criminal disposition</li> </ul>	<ul style="list-style-type: none"> <li>Definition of process, including start of violation</li> <li>Defined penalties</li> </ul>

# SUMMARY



- Bylaw contains more definition to facilitate resident understanding and fair enforcement
- Enforcement officers are defined
- Violations
  - Process to notify of violations defined
  - Penalties are specific
  - Non-criminal disposition
- Has been reviewed by the Police Chief, Building Commissioner and Town Counsel
- Chapter 273 supplements this bylaw with the application procedure (Selectmen policy)