

# Town of Auburn, Massachusetts

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## Board of Selectmen

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Section 300

## BOARD OF SELECTMEN POLICY

### Non-Garaged - Unregistered Motor Vehicles/Trailers/Boats/Parts

#### 1. Junk Vehicles/TrailerS/Boats or Parts

- A. No person in charge or control of any property in any part of the Town, whether as owner, tenant, occupant, lessee or otherwise, shall keep or allow any unregistered, non-garaged, complete or partially dismantled, wrecked, junked, or discarded, motor vehicle, boat, trailer, or parts thereof to remain in the open on such property except this section shall not apply to any property that is duly licensed for such.
- i. The non-garaged, unregistered motor vehicle, trailer, boats or parts, (herein described as ‘article’) described in the preceding section shall be removed within ten (10) business days after receiving notice from the enforcing authority and be subject to the penalties of this Regulation; or,
  - ii. The responsible owner, tenant, occupant, lessee or otherwise shall within those ten (10) business days submit a completed application for a storage permit.
- B. No person shall place or store and unregistered complete or partially dismantled, wrecked, junked, or discarded, motor vehicle, boat, trailer, or parts thereof in or on a public way or private way also known as a “paper street”.
- i. Unregistered complete or partially dismantled, wrecked, junked, or discarded, motor vehicle, boat, trailer, or parts thereof and found as described constituting a hazard or obstruction of the roadway may be removed by a police officer and subject to non-criminal fine in accordance with Town bylaw as well as towing and or storage fees for the same. Nothing within this section prohibits criminal enforcement and removal for violations of M.G.L. and or both.

#### 2. Stated Purpose – Restoration and Registration

- A. Subject to terms and conditions herein set forth, the Board of Selectmen may issue a storage permit authorizing a resident applicant to store one (1) non-garaged, unregistered motor vehicle, trailer, boat or parts thereof in the open, for the stated purpose of this regulation: restoration and or repair for the eventual purpose of registering the motor vehicle, trailer, or boat in compliance with the requirements of the Commonwealth of Massachusetts, MassDOT.

### **3. Storage Permit Application Requirements**

- A. Storage permits applications shall be particularized to a specific motor vehicle, trailer, boat and or parts as well as the responsible owner or applicant. If available, the storage permit application shall contain photocopies of expired registrations, titles, certificates of origin, vehicle identification numbers (VIN), serial numbers, model, make and year of manufacture, and any other applicable descriptive nomenclature as requested. The permit application shall include the lot or parcel where the article is intended to be stored as well as any pertinent information the applicant would like to provide.
- B. Sufficient color photographs drawings or lot plans depicting the actual vehicle, trailer, boat or parts in their current state or condition including photographs, drawings or lot plans of the parcel where the article is intended to be stored shall be attached to the permit application.

### **4. Storage Permit - Not Transferable**

- A. Nothing contained within this regulation shall prevent the sale or transfer of ownership of the motor vehicle, trailer, boat or parts; however, the storage permit shall not transfer with ownership. Any such action shall render the storage permit invalid. A storage permit shall not transfer to another lot or parcel of property.
  - i. If ownership of an article(s) is transferred, the Board of Selectman may deny the subsequent applicant for said storage permit and in particular if the subsequent owner resides or intends to store the items at the same address, lot or parcel.

### **4. Public Hearing/Notice**

- A. Any such storage permit may be issued by the Board of Selectmen only after said Board holds public hearing on an application allowing fourteen consecutive days (14) notice of the time place and subject matter, which has been given at the expense of the applicant, allowing all abutters of said parcel and any concerned person's public comment.
- B. Applicant responsibilities for requesting public hearing; shall be adhered to as follows:
  - i. The applicant for storage permit shall complete and submit the public hearing notice form as required at the office of the Board of Selectmen and pay the full cost for the same at the time of application;
  - ii. The office of the Board of Selectmen shall then make publication of said public hearing in a newspaper of general circulation in the town;
  - iii. Within three (3) days after publication, the applicant, at their expense, shall by registered or certified mail, send a copy of the published newspaper notice and or written notice of the same announcing the public hearing to each of the persons appearing upon the Assessor's most recent valuation list as the owners of property abutting said parcel; and,
  - iv. The return receipts along with a copy of the published notices shall be filed by the applicant with the Board of Selectmen prior to or at the time of the public hearing.

- C. Failure to strictly comply with the preceding section properly and in a timely manner shall cause the application to be rejected and the public hearing if scheduled, cancelled. That cancellation shall constitute a denial of the storage permit.
- D. Copies of applications for storage permit shall at the time of submittal to the Office of the Board of Selectmen be forwarded to the Chief of Police or designee for compliance review and shall be countersigned by an authorized agent of the police prior to public hearing. The chief or designee may make recommendations to the Board to approve, reject or recommend conditions be set for said storage permit and shall provide the reasons in writing to the Board.

## **5. Storage of Motor Vehicles, Boats, Trailers or Parts**

- A. The motor vehicle, trailer, boat or parts, subject to an approved storage permit, should generally be stored to the rear of the front building line of the property unless it is determined by the Board, a more practical location exists on the parcel where such vehicle or article would be less exposed to the view of abutting residents or the general public.
- B. In the case of a motor vehicle it must be completely covered with an opaque cloth securely tied down at all four corners.
- C. A motor vehicle must remain intact with no external parts missing except wheels, when permission for their removal is so stated in the permit.
- D. The Board may require additional conditions, stipulations or safety precautions be taken on a case-by-case basis prior to issuance of a permit.

## **6. Storage Permit Rejection Criteria**

- A. Said Board may reject an original application or refuse to extend such storage permit if it is determined the applicant has not met the requirements of permitting process pursuant to these Regulations or the presence of said motor vehicle, trailer, boat, or parts thereof on such parcel would:
  - i. Nullify or substantially deviate from the intent or purpose of this bylaw;
  - ii. Constitute a nuisance; and/or,
  - iii. Adversely affect the neighborhood in which such parcel is situated.

## **7. Storage Permit Expiration**

- A. A storage permit issued by the Board for an unregistered motor vehicle or trailer shall issue for one calendar year, three hundred sixty five (365) days from the date of issue.

## **8. Storage Permit Extension**

- A. The Board of Selectmen may approve the extension of an unregistered motor vehicle, trailer, boat or parts storage permit for one additional calendar year, three hundred sixty five (365) days commencing the day after the expiration date of the original permit without public hearing.
- B. In the event a storage permit holder fails to seek a timely extension prior to the original permit's expiration date, a delayed request for an extension, upon Board approval, shall be adjusted to expire three hundred sixty five (365) days from what would have been original date of expiration.
  - i. The fee for the permit extension shall not be prorated;
  - ii. The Board shall not issue more than one (1) original permit and one (1) subsequent extension.

## **9. Storage Permit Denial- Revocation**

- A. The Board of Selectmen may deny, revoke or refuse to extend any storage permit for an unregistered motor vehicle, trailer, boat or parts if the applicant fails to abide by any conditions set forth by these Regulations and or by order of the Board.
  - i. In the event a hearing is held and the Board of Selectmen issues an order denying or revoking a storage permit or permit extension the vote of the Board shall suffice as notice to the responsible person (applicant). The motor vehicle, trailer, boat or parts shall be garaged or removed forthwith and that vote shall serve as notice sufficient for the immediate enforcement of this Regulation.

## **10. Storage Permit - Exemptions**

- A. Stored within an enclosed building.
- B. Designed and used for farming or agricultural purposes.
- C. Validly registered with MassDOT.

## **11. Storage Permit Fees**

- A. All costs and fees associated with the permitting for storage an unregistered motor vehicle or trailer, boat, or parts shall be the sole responsibility of the applicant.
- B. The fees for a storage permit are to be set annually by the Board of Selectmen.

## **12. Enforcement Authority**

- A. The Chief of Police or designee shall be the enforcement authority for any: non-garaged unregistered motor vehicle, trailer or boat or partially dismantled, wrecked, junked, or discarded, motor vehicle, trailer boat or parts thereof, not subject to storage permit or storage permit exemption.

### **13. Enforcement Procedure**

- A. The enforcing authority shall notify the person in charge or control of the property, whether owner, tenant, occupant, lessee or otherwise to garage or remove the motor vehicle, trailer boat or parts or obtain the required storage permit.
- B. The notice, a copy of this Regulation, shall be given in-hand, or sent by registered or certified mail to the address, parcel or lot the article or item is located. On or after the 10th consecutive business day, if no storage permit pursuant to these regulations has been adequately applied for or such motor vehicle, trailer or parts as previously described have not been garaged or removed, constitutes a violation of these Regulations.
  - i. Each day the violation continues shall be a separate and subsequent offense.

### **14. Enforcement and Penalties**

- A. In addition to any other enforcement or penalty allowed under state law or Town bylaw, including, but not limited to, that provided pursuant to these Regulations, violation of these rules and regulations promulgated pursuant thereto, may be enforced through any lawful means pursuant to MGL c. 40, § 21 or by noncriminal disposition pursuant to MGL c. 40, § 21D by sworn members of law enforcement.
- B. The penalty, for failure to garage or remove any: complete, partially dismantled, wrecked, junked, or discarded, motor vehicle, boat, trailer, or parts thereof, in violation of this regulation shall be set annually by the Board of Selectmen.

### **15. Municipal Lien**

- A. Any fine or penalty imposed by this chapter and not paid shall become a municipal charge under the lien created by MGL c. 40, s. 58.

Accepted by Vote of the Board of Selectmen: \_\_\_\_\_ 1/14/13