



Office of the Selectboard  
Town of Montague

1 Avenue A (413) 863-3200 xt. 108  
Turners Falls, MA 01376 www.montague-ma.gov

**Inoperable and Unregistered Vehicle Storage Permit Application**  
(Under Town Bylaw adopted 5/5/2012)

This application is for residents who are seeking to store more than one ungaraged Inoperable Vehicle, on a premises in the Town of Montague. The bylaw defines an Inoperable Vehicle as a 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 shall be considered an Inoperable Vehicle in accordance with the bylaw.

The permit is valid from July 1 – June 30 each year. If the vehicle has not been restored within that timeframe, a permit renewal will be required.

The permit may only be granted after a public hearing and finding from the Selectboard that:

- no hazard to health or safety exist or will be created
- no unsightly conditions are visible from a public street or abutting property exist or will be created

The permit may be granted upon such terms and conditions as the Board may deem appropriate, including but not limited to a limit on the number of Inoperable Vehicles that may be stored at any one time, or the number of vehicles that may be cycled onto and off the property in a given period.

**Permit Fee - \$50.00** Application Fee plus cost of legal ad and abutter notification  
**Renewal Fee - \$50.00**

**Action:**     New                     Renewal                     Change                     Cancel                    (check box)

**PREMISES:** Assessor's Parcel Identification #:    MAP: \_\_\_\_\_    LOT: \_\_\_\_\_

**APPLICANT:**

Name \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Email: \_\_\_\_\_

**PROPERTY OWNER: (if different from applicant)**

Name: \_\_\_\_\_

Telephone #: \_\_\_\_\_                    Email: \_\_\_\_\_

**INOPERABLE VEHICLE OWNER:** (if different from applicant)

(Up to one inoperable vehicle may be stored ungaraged on the premise without the need for a permit)

Name: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Email: \_\_\_\_\_

Total # of additional ungaraged Inoperable Vehicles to be on site: \_\_\_\_\_

**Inoperable Vehicle Storage Permit Application**

Does the applicant intend to restore the inoperable vehicle(s)?  Yes  No

Will the applicant make the repairs?  Yes  No

If not who will make the repairs? \_\_\_\_\_

List the Vehicle Identification Number (VIN) and make and model for each inoperable vehicle on premise.

Describe where the Inoperable Vehicle(s) will be stored on the premise

Describe plan to mitigate unsightly conditions visible from public streets and abutting properties:

What situation or condition requires you to have additional ungaraged inoperable vehicles stored on this property?

Does the applicant agree to allow an agent for the Town, with proper notice, to inspect the property prior to issuance or renewal of permit?  Yes  No

**Additional Attachments: (to be included separately)**

- Application fee of \$50.00
- Cost of legal ad and abutter notification must be received by Selectboard Office prior to hearing.
- Plot plan or sketch depicting the location of the Inoperable Vehicle(s)
- Photographs of the vehicle storage location from the public road

Signature of Applicant \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner (if different) \_\_\_\_\_ Date \_\_\_\_\_

**Permit Approval / Denial**

Your Application for Inoperable Vehicle Permit is :  Approved  Denied (check box)

\_\_\_\_\_/\_\_\_\_\_/20\_\_\_\_  
Selectboard Chair Signature Date

If denied, the above-named applicant is denied a permit in the Town of Montague for the following reasons: \_\_\_\_\_

Tax Collector Confirmation of Tax Payment:  Yes  No (check box)

\_\_\_\_\_/\_\_\_\_\_/20\_\_\_\_  
Treasurer/Collector Signature Date

License Fee Received \$ \_\_\_\_\_ on \_\_\_\_/\_\_\_\_/20\_\_\_\_

# Excerpt from Town of Montague Bylaws

## **INOPERABLE OR UNREGISTERED MOTOR VEHICLE BYLAW** Voted 5-5-2012 Art. #26. Approved by Attorney General 9-4-2012.

### Section 1: Purpose

It is the intent of this by-law to provide a mechanism for regulating, subject to reasonable and appropriate controls, the storage of Inoperable and/or Unregistered Motor Vehicles within the Town of Montague.

### Section 2: Definitions

**FARMER** – a person substantially engaged in the occupation of farming, as further defined in Massachusetts General Law (M.G.L.) Chapter 90, Section 1.

**GARAGE:** A building, as defined by the Montague Zoning By-Law for the storage of motor vehicles.

**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.

**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 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 Massachusetts General Laws, 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.

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

### Section 3: Storage of one (1) Inoperable Vehicle Permitted

A property owner, or other person having the permission of the property owner, may store one (1) Inoperable Vehicle on said premises.

### Section 4: Storage of more than one (1) Inoperable Vehicle

- (a) No property owner, or any person, may store or permit to be stored more than one (1) Inoperable Vehicle on said property owner's premises unless:
  - 1. The vehicles are stored in a garage, or;
  - 2. An Inoperable Vehicle Storage Permit is granted by the Board of Selectmen after a public hearing as described in Section 5 of this By-law, or;
  - 3. The property owner or person in control of the property holds a Class I or Class II or Class III License for the sale of motor vehicles or trailers issued pursuant to M.G.L. Chapter 140, Section 57 to Section 69.
- (b) This Section shall not apply to a Farmer or a Farm Equipment dealer as defined in M.G.L. Chapter 93G, Section 1.

### Section 5: Inoperable Vehicle Storage Permit

- (a) Any property owner or other person with the permission of the property owner, seeking to store more than one Inoperable Vehicle, un-garaged on a premise must make application for an Inoperable Vehicle Storage Permit to the Board of Selectmen.
- (b) The application shall be accompanied by a fee of \$100. Said fee may be amended by the Board of Selectmen from time to time.
- (c) Upon receipt of an application for an Inoperable Vehicle Storage Permit, the Board of Selectmen shall hold a public hearing on the issue within 30 days.
- (d) An Inoperable Vehicle Storage Permit may be granted by the Board of Selectmen if it finds that no hazard to health or safety are involved and no unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created and upon such terms and conditions as the Board deems appropriate, including but not-limited-to a limit on the number of Inoperable Vehicles that may be stored at any one time.
- (e) Prior to any public hearing the Selectmen may request the Board of Health or any other agent of the town to conduct an inspection of the property in question. The Board of Health or other agent of the town, as requested, shall submit a report to the Board of Selectmen describing any issues of concern.
- (f) The Board of Selectmen may waive the public hearing requirement to allow more than one (1) Inoperable or Unregistered Vehicle on a premises for a period of (30) days or less if it finds that no hazards to health or safety are involved and no

unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created by the storage of said vehicles for such temporary period of time.

(g) Legal notice of any public hearing held pursuant to this section shall be given by:

- (1) Posting legal notice in a newspaper of general circulation at least seven (7) days prior to the date of the public hearing and,
- (2) Sending notification to all abutters, within three hundred (300) feet of any part of the storage property, via first class letter.

#### Section 6: Enforcement

This By-law may be enforced by the Police Department, Board of Health, Zoning Enforcement Officer, or other designee of the Board of Selectmen.

#### Section 7: Violations and Penalties

- (a) Non-Criminal Disposition - Whoever violates any provision of this by-law may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1<sup>st</sup> offense, one hundred dollars (\$100) for the 2<sup>nd</sup> offense, and two hundred dollars (\$200) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense.
- (b) Criminal Complaint - Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the district court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or
- (c) The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

#### Section 8: Existing Inoperable Motor Vehicles

A property owner, or other person having the permission of the property owner, who, at the time this by-law takes effect, is in violation of any section(s) of this by-law shall have ninety (90) days to come into compliance.

#### Section 9: Severability

In the event any section or provision of this by-law is declared invalid or unconstitutional, the remaining sections and provisions shall remain in full force and effect.