

Chapter 215
VEHICLES, SALE OF

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[*HISTORY: Adopted by the Town of Easton as indicated in article histories. Amendments noted where applicable.*]

ARTICLE I
General Provisions
[Adopted 5-9-1988 ATM by Art. 12 (Art. 33 of the 1922 Bylaws)]

- § 215-1. License required; limit on number of licenses. [Amended 4-12-1993 ATM by Art. 38]

No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells secondhand vehicles, or a person whose principal business in¹ financing the purchase of or insuring motor vehicles but who incidentally acquires and sells secondhand vehicles, shall engage in the business of buying, selling, or exchanging of secondhand motor vehicles or allow any property under his control to be used as a place of sale or display of such motor vehicles without first securing a Class II license as provided in MGL c. 140, § 59. The total number of Class II licenses available shall be 25.

- § 215-2. Issuance of licenses. [Amended 5-15-2006 ATM by Art. 20]

A Class II license shall be as defined in MGL c. 140, § 58 and may be issued to any person whose principal business is the buying or selling of secondhand motor vehicles who falls within the limit of 25 licenses to be issued by the licensing authority of the Town of Easton on an annual basis.

- § 215-3. Licensing authority; procedure.

The Licensing Authority in the Town of Easton shall be the Board of Selectmen, and in issuing Class II licenses it shall follow the procedures set forth in MGL c. 140, § 59.

¹ Editor's Note: So in original. Should be "is."

ARTICLE II
Class II License Regulations
[Adopted 6-13-1989 ATM by Art. 20 (Art. 35A of the 1922 Bylaws)]

§ 215-4. Application criteria.

- A. The total number of Class II licenses available shall be 25. (See Article I, § 215-1 of this Chapter.) [Amended 5-15-2006 ATM by Art. 20]
- B. No license will be granted to any applicant with outstanding unpaid taxes or fees owed to the Town of Easton. (MGL c. 140, § 57.)
- C. The sale of motor vehicles shall be the principle² business of the applicant. Further, the Applicant must be actively involved in the sale of used motor vehicles in the Town of Easton. No "pocket" licenses will be issued. (MGL c. 140, § 58.)
- D. The license holder must maintain or demonstrate access to repair facilities sufficient to enable him or her to satisfy the warranty repair obligations imposed by MGL c. 90, § 7N ¼. (MGL c. 140, § 58.)
- E. The Board of Selectmen shall cause an investigation of the facts stated in the application, that the applicant is a qualified person to engage in the business of selling motor vehicles in the Town of Easton. (MGL c. 140, § 59.)
- F. A plot plan shall be submitted to the Board of Selectmen in addition to any that may be required by other Boards.
- G. If the applicant has not held a Class II license in the year prior to making of the application, the application must be completed in duplicate, with one copy being filed with the Licensing Authority (Board of Selectmen), and the other copy filed with the Registry of Motor Vehicles. (MGL c. 140, § 59.)
- H. No Class II license shall be granted unless the Licensing Authority is satisfied from its investigation of the facts stated in the application, or other available information, that the applicant is a "proper person." (MGL c. 140, § 59.)
- I. Any Class II license that is issued by the Licensing Authority shall specify all of the premises to be occupied and used by the licensee for the purposes of carrying on the licensed business. (MGL c. 140, § 59.)
- J. Permits for a change of situation of the licensed premises or any lawfully permitted additions thereto, may be granted at any time by the Licensing Authority, in its discretion, in writing with a copy of any such Permit to be attached to the license.

² Editor's Note: So in original. Should be "principal."

- K. The rules and regulations promulgated by the Registrar of Motor Vehicles defining sufficient repair facilities for holders of Used Car Dealer's Licenses (Class II) represent minimum standards that must be complied with by the holders of such licenses. (MGL c. 140, § 58.)
- L. An Applicant for a Class II license must comply with all requirements of the Easton Zoning Bylaws, otherwise such license will not be issued by the Licensing Authority.
- M. All Licenses granted under MGL c. 140, § 59 shall be revoked by the Licensing Authority if it appears, after a hearing, that the licensee is not complying with MGL c. 140, §§ 57 to 69, inclusive, or the rules and regulations made thereunder.

§ 215-5. Operations criteria.

- A. No dismantled, incomplete or damaged motor vehicles or parts thereof shall be visible from the streets or to abutters.
- B. All repairs and maintenance of motor vehicles on the premises are to be done inside a building or buildings.
- C. Appropriate fencing may be required if, in the opinion of the Board of Selectmen, it is deemed necessary to control access to the property, or to maintain the aesthetic value of the neighborhood.
- D. The number of motor vehicles on the premises shall be limited to the available space as shown on the submitted plot plan. The spaces shall be regulated by the Easton Planning and Zoning regulations. (Planning and Zoning Board Site Plan Guidelines Sec. 2.03.)
- E. Sufficient customer parking must be available on the premises to meet the requirements of the Zoning Bylaws of the Town of Easton. One parking space for every 1,000 square feet of lot area used for the display of used motor vehicles. (Planning and Zoning Board Site Plan Guidelines Sec. 2.03 and Sec. VIII, 8-6 5.)
- F. Business hours shall be from 8:00 a.m. to 9:00 p.m.
- G. The premises and abutting property must be kept free of debris emanating from the licensed area.
- H. Violation of any of the foregoing provisions shall be cause for suspension or revocation by the licensing authority of the license granted. (MGL c. 58, § 59.)³
- I. Any duly delegated agent of the Board of Selectmen shall be allowed access at any time to conduct an inspection of the licensed premises to ensure compliance with this article.

§ 215-6. New license application criteria.

- A. The specific site must be an appropriate location for such use.

³ Editor's Note: See now MGL c. 140, § 59.

- B. The use of the property for the sale of motor vehicles will not be detrimental to the established or future character of the neighborhood or of the Town of Easton.
- C. The applicant must show that there will be no nuisance or serious hazard to vehicles or pedestrians.
- D. The applicant must show that adequate and appropriate facilities will be provided for the proper operation of the motor vehicle dealership, as specified by State and Town regulations.
- E. The Applicant must show that the public convenience and welfare will be substantially served.
- F. The Applicant must show evidence at the time of the public hearing that he or she has notified all abutters of his or her application. Such notice shall be at the sole expense of the applicant. [Added 6-12-1995 STM by Art. 5]