

**Administrative
Policy and
Procedure
Policy**

**BOARD OF SELECTMEN
CLASS II LICENSE POLICY**

Approved October 6, 2015

PURPOSE

The purpose of this policy is to outline the policy that the Town will follow to approve requests business owners seeking a Class II license to sell used cars in the Town of Upton under provisions of M.G.L. c 140, §57 to 59, inclusive.

POLICY

The policy of the Town of Upton is to set the general provisions, application criteria and operational criteria for Class II licenses. The purpose of the policy is to ensure fairness and uniformity to all business owners who hold licenses, and that public safety standards are set for where vehicles are parked so that site lines and traffic impacts are minimized.

APPLICABILITY

This policy is applicable to all business owners who wish to obtain a Class II license to sell used cars in the Town of Upton.

IMPLEMENTATION PROCEDURE

General Provisions

1. 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 is 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.
2. A Class II license shall be defined in MGL c. 140, § 58 and may be issued to a person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receive compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license. All license holders must comply with MGL c. 140, §58.

Application Criteria

1. All business owners who are applying for a new license must first obtain a special permit from the Zoning Board of Appeals and be in compliance with all requirements of the Town of Upton's Zoning bylaws.

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2. All license holders and those seeking a license must complete the Town's application and submit all required documentation to the Board of Selectmen's Office. Annual license renewals must be submitted by November 1st of each year, and new license applications approximately sixty (60) days before a license may be issued.
3. No license will be granted to any applicant with outstanding unpaid taxes or fees owed to the Town of Upton pursuant to Town of Upton General by-laws Chapter 24 Permits/Payments of Taxes.
4. A plot plan must be submitted with all applications that shows the layout of all proposed parking spaces for cars for sale. Parking spaces must be 9' x 18' in size and the lot must also accommodate traffic through the lot, and spaces allocated to customer parking. The plan will be reviewed by the Police Chief and the Fire Chief or their designees to confirm that access to the property for public safety purposes is sufficient.
5. 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 hereunder.
6. 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 and the other copy filed with the Registry of Motor Vehicles (MGL c. 140, §59).
7. 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.

Operation Criteria

1. All vehicles that are for sale which are parked outside of a building must be in saleable and drivable condition.
2. No spare or junk parts may be stored outside of a building. No repair work may be conducted outside of a building except for minor emergency or reactive repairs to be completed by the end of the workday. Scrap metal must be kept in a recycling container and emptied on a regular basis.
3. Town by-laws concerning signs must be adhered to. No additional items such as flags, banners or balloons are allowed except on President's Day, Memorial Day, 4th of July and Labor Day.
4. Vehicles must be parked a sufficient distance from the public way so as to not interfere with the travelled way, and so as not to create a site line hazard as determined by the Police Chief or his/her designee. The Police Department will perform inspections

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throughout the year to ensure the license holder is in conformance with the restrictions of that license. The Police Department will conduct inspections of each licensed premise twice each year.

5. Properties must be kept clean and maintained at all times.
6. Any outdoor lighting must not impose on any abutting properties.
7. The office will be located in the building where the business will be located and accessible from the outside. The logbook shall be on the premises at all times.
8. 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.
9. 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.
10. Dealer must affix "Used Vehicle Warranty Law" notices on the windows or dashboards of used vehicles that are offered for sale as required by Massachusetts General Laws, Chapter 90, sections 7N ¼ and 7N ½ , and 201 CMR 11.00.

APPROVED BY:

Board of Selectmen, Chair: Kenneth E. Picard _____

Board of Selectmen: James A. Brochu _____

Board of Selectmen: Robert J. Fleming _____

Original date: October 6, 2015

Revised dates: