

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 012/10 074

DATE: January 21, 2010

ORDERED: Mayor

TITLE 5, CHAPTER 5: LICENSES AND PERMITS

HIS HONOR, MAYOR SULLIVAN HAS SUBMITTED TO THE BRAINTREE TOWN COUNCIL THE MUNICIPAL CODE, TITLE 5, CHAPTER 5 ORDINANCE FOR THE TOWN OF BRAINTREE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 5, CHAPTER 5-550 GASOLINE STATIONS AND AUTOMOTIVE REPAIR GARAGES GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

(former By-law Chapter 5.24)

SECTION 5.550.010 Hours of Operation

No gasoline station shall be operated between the hours of twelve midnight and six a.m. and no automotive repair garage shall be operated between the hours of eight p.m. and 7 a.m. without a written permit from the Board of License Commissioners, provided, however, that any gasoline station that was granted permission by the former Board of Selectmen to be open between the hours of twelve midnight and six a.m. prior to the date of final passage of this ordinance may continue to be open during said hours. (Prior code § 77-1)

SECTION 5.550.020 Rules and Regulations

The Board of License Commissioners may from time to time make reasonable rules and regulations regarding the operation of gasoline stations, automotive repair garages and motor vehicle towing services. (Prior code § 77-3)

SECTION 5.550.040 Requirements for Storage Permits

Each application for the storage of motor vehicles shall be accompanied by a plot plan, which is an instrument of survey, certified by a registered professional engineer or land surveyor, detailing the location of the business and indicating the location and number of parking spaces for customers, employees, and the storage of motor vehicles, as well as showing the location of fire lanes, and access to and egress from the site. Each certified plot plan shall be subject to the review of the Fire Department, Police Department, Inspections Department, Planning and Community Development

Department, and any other Town department or agencies, as determined by the Board of License Commissioners. The Board of License Commissioners shall have the discretion to determine the number of vehicles for which storage may be permitted, based upon the uses of the surrounding area, traffic, aesthetics, and what is in the best interest of the Town provided the storage capacity for each site shall not be greater than the lesser of the number shown on the certified plot plan, the number permitted by the requirements of the applicable fire, zoning and building codes and the recommendations of the aforementioned Town departments, provided, however, that any gasoline station or automotive repair garage that was previously granted permission by the former Board of Selectmen or any other legal entity of the Town to store more vehicles than determined by the Board of License Commissioners shall have six (6) months from the date of final passage of this ordinance to present proof of such permission to the Board of License Commissioners, who shall incorporate such permission into the gasoline station's or automotive repair garage's written permit. (ATM 5-22-2001 Art. 26)

SECTION 5.550.060 Violation and Penalty

Whoever violates this Ordinance or any rule, regulation, or restriction contained in his/her license shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), and each day that such violation continues to exist shall be deemed a separate offense.

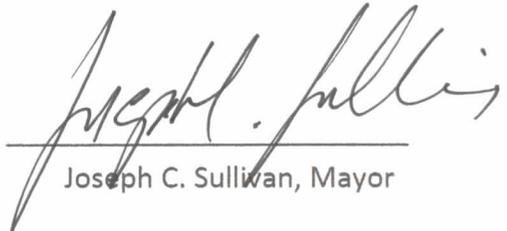
YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
ABSTAIN: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

Passed in Council: November 18, 2010
Presented to Mayor: November 19, 2010
A True Copy, Attest:



Joseph F. Powers, Town Clerk

November 23, 2010
Date Approved



Joseph C. Sullivan, Mayor