

First Reading 4/11/24
Second Reading 4/16/24
Approved

TOR-2024-2

AN ORDINANCE TO AMEND CHAPTER 180 AND CHAPTER 114 OF THE CODE OF THE TOWN OF AGAWAM

(Sponsored by Mayor Christopher C. Johnson)

WHEREAS, Chapter 180 of the Code of the Town of Agawam is the municipal zoning ordinance and Chapter 114 is the local ordinance for junk and secondhand dealers; and

WHEREAS, the licenses for the selling of new (Class 1) and used cars (Class 2) is governed by MGL c. 140 Sections 58 and 59 and Sections 44, 48 of Chapter 180 and Section 5, 8, 9, 10 and 11 of Chapter 114 of the Town Code; and

WHEREAS, there are twenty (20) Class 2 license issued in the Town that are located on Business A, Business B, Industrial A and Industrial B zoned parcels; and

WHEREAS, the City Council is the issuing authority for Class 1 and 2 licenses and there has been confusion at times as to the process of when licenses are filed untimely, when businesses are sold with Class 2 licenses and what the process is for new applicants seeking a license; and

WHEREAS, if adopted, new applicants for a Class 1 or Class 2 license shall submit an application and receive approval for a site plan and special permit application with the Board of Appeals prior to the City Council taking action on a license application; and

WHEREAS, it is in the best interest of the Town of Agawam to amend §180-44 (Business A), §180-48 (Business B), §180-55 (Industrial A) and §§114-5, 8, 9, 10 and 11 in order to regulate the issuance of new and used motor vehicle licenses; and

NOW THEREFORE, the Agawam City Council hereby resolves, ordains, amends and enacts the following amendments to Chapter 180 and Chapter 114 of the Code of the Town of Agawam as contained in the attached Exhibit A.

Dated this 16th day of April, 2024.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti
Stephen J. Buoniconti, City Solicitor

Original - Clerks
cc - Council
cc - Planning
cc - Inspections
cc - Law
cc - Mayor

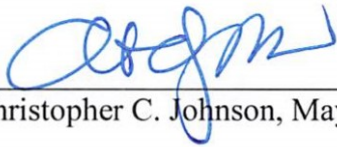
MAYORAL ACTION

Received this 17th day of April , 2024 from Council Clerk.

Signed by Council President this 16th day of April, 2024.

APPROVAL OF LEGISLATION

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby approve the passage of the above legislation on this 17th day of April, 2024.



Christopher C. Johnson, Mayor

DISAPPROVAL OF LEGISLATION

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby veto the passage of the above legislation on this _____ day of _____, 2024 for the following reason(s):

Christopher C. Johnson, Mayor

RETURN OF LEGISLATION TO COUNCIL CLERK

Returned to Council Clerk this 17th day of April, 2024.

Exhibit A

1. Amend §114-5 entitled: “Conditions precedent to issuance of Class 1 and Class 2 licenses” to read as follows:

§114-5 Any applicant filing a new application for a Class 1 or Class 2 license or filing a renewal application which seeks to amend the maximum number of motor vehicles under Subsection B hereof or in any other way substantially changes the plot plan currently on file in the Office of Inspection Services shall file an application for a Special Permit with the Board of Appeals for approval pursuant to §180-12. As part of the Special Permit application, the applicant must submit a site plan which meets all the requirements of §180-13(c)(3) which shows the specific areas to be utilized for the car lot, motor vehicle display areas and all permanent buildings. The site plan shall also include required buffer areas, signs, lighting, driveways, the total square footage of the proposed licensed premises, indicate all abutters to the property and contain such other information as may be necessary to determine the merits of the Special Permit application. After receiving the Special Permit from the Board of Appeals, the application for the Class 1 or Class 2 license shall be submitted to the Agawam City Council as licensing authority for review under this Article. Any applicant filing a renewal application for a Class 1 or Class 2 license which does not seek to amend the maximum number of motor vehicles under Subsection B hereof or in any other way substantially changes the plot plan currently on file in the Office of Inspection Services need not obtain a Special Permit. All Class 1 or Class 2 licenses granted under this section shall expire on December 31 of each year following the date of issue unless sooner suspended or revoked by the licensing authority. Applications for current license holders, seeking to reapply, shall submit for consideration an application approved by the licensing authority no later than September 1 of each year. Class 1 or Class 2 licenses granted in accordance with this Article of the Code of the Town of Agawam and M.G.L. c. 140 §§ 58 and 59, shall not be transferable.

2. Delete §114-8 entitled: “Number of licenses restricted” in its entirety.

3. Amend §114-9 entitled: “Fees” to renumber it as §114-8 and to read as follows:

The annual application fee for Class 1 and Class 2 licenses is one hundred (\$100.00) dollars. The annual application fee for applications received after November 1 in a calendar year shall be two hundred (\$200.00) dollars.

4. **Re-number §114-10 entitled: “Investigation of Violations” as §114-9.**
5. **Amend §114-11 entitled: “Class 3 licenses” to re-number it as §114-10 and to read as follows:**

§114-10 The provisions of §§114-6, 114-7, 114-8 and 114-9, inclusive shall apply to all Class 3 licenses.

6. **Amend Paragraph D of §180-44 entitled “Permitted Uses” in the Business A District to read as follows:**

D. One-story public garages for storage or repair of not more than 50 cars. Body and fender work and the painting of cars in or out of doors is prohibited. The storage of dismantled vehicles or vehicle parts out of doors is prohibited. The storage of complete units such as truck bodies, tailgates, road sanders, farm machinery, school buses and ambulances is permitted. An underground tank of not more than 1,000 gallons capacity for drain oil is permitted. The selling of new or second hand vehicles shall require a Special Permit in accordance with §114-5.

7. **Amend Paragraph D of §180-48 entitled “Permitted Uses” in the Business B District to read as follows:**

D. Body and fender work and the painting of cars out of doors is prohibited. The storage of dismantled vehicles or vehicle parts out of doors is prohibited. The storage of complete units such as truck bodies, tailgates, road sanders, farm machinery, school buses and ambulances is permitted. The selling of new or second hand vehicles shall require a Special Permit in accordance with §114-5.

8. **Add Sub-Paragraph (35) to §180-55 entitled “Permitted Uses” in the Industrial District A to read as follows:**

(35) The selling of new or second hand vehicles shall require a Special Permit in accordance with §114-5.

Business Name	Address	Zoning	Class
Beaver Camper Service	721 Springfield Street Feeding Hills	Business B	1
Sarat Ford	245 Springfield Street Agawam	Business A	1
Sarat Ford	221 Springfield Street Agawam	Industrial A	1
Sarat Ford	250 Springfield Street Agawam	Business A	1
57 Auto	371 South Westfield Street - FH	Industrial A	2
Ace Auto Body	1369 Main Street - Agawam	Industrial A	2
Auto Kraft Auto Sales	119 Waknut Street - Agawam	Business A & Residence B	2
Auto Point Motors	1039 Springfield Street Feeding Hills	Business A	2
Balfour Motors	1801 Main Street Agawam	Bueiness B	2
Bear Auto Sales	485-505 Springfield Street Feeding Hills	Business B	2
The Car Connection	820 Springfield Street Feeding Hills	Business B	2
Chris Auto South	207 Main Street Agawam	Industrial A	2
Elias Brothers	1135 Suffield Street Agawam	Business B	2
Elmwood - D & J Auto Sales & Service	521 River Road Agawam	Business A	2
Euro Imports	71 Garden Street Feeding Hills	Business B	2
Falcour Auto Sales	373 Springfield Street Agawam	Business A	2
Garden Auto	204 Garden Street Feeding Hills	Business B	2
Joe's Truck Repair	97 Ramah Circle South Agawam	Industrial A	2
KLC Auto Sales	1514 Main Street Agawam	Industrial B	2
Langonet	61 Ramah Circle South Agawam	Industrial A	2
Malkoon Motor Sales			
DBA Freedom Motor Group	825 Springfield Street Feeding Hills	Business A	2
Parrota's Auto Service	357 Main Street Agawam	Business A	2
RNK Auto	28 Moylan Lane Agawam	Industrial B	2
V & F Auto	7 Harding Street Agawam	Business A	2