

**SECTION 9.36**

**REMOVAL OF CERTAIN MOTOR VEHICLES  
AND STORAGE CONTAINERS FROM PUBLIC  
OR PRIVATE PROPERTY**

**A. IN GENERAL**

**MOTOR VEHICLE DEFINED:** For purposes of this section, "motor vehicle" shall include all vehicles described in MGL Chapter 90, Section 1, including but not limited to automobiles, buses, trailers, motorcycles, and all vehicles constructed or designed for propulsion by power other than muscular power.

**STORAGE CONTAINER DEFINED:** For the purpose of this section, "storage containers" shall include all exterior storage units or containers located outside a dwelling or building including but not limited to pods, trailers, shipping containers, sea containers and the like which may house merchandise, furniture, tools, equipment, machinery and other items.

**PRESUMPTION OF ABANDONMENT:** Failure to attach current registration plates, a current registration sticker or a current inspection sticker, or, if registered, to park on a public or private way for more than 72 continuous hours shall create a presumption that said motor vehicle has been abandoned or its use discontinued by the owner. **Storage containers placed on vacant and/or abandoned properties will be presumed abandoned.**

**RECORDS REQUIRED:** The Police Department shall record the date, time, location, make, model, year, vehicle identification number if discernable, registration number if any, and a detailed account of the contents and condition of every **motor vehicle or storage container** towed and stored under the provision of this ordinance. The record shall also include the name of the person ordering the **motor vehicle or storage container** removed and the reasons for removal.

**TOWING, STORAGE, AND REMOVAL COSTS:** The owner of any vehicle **or storage container** removed under the provisions of this ordinance shall be liable for any costs associated with towing and storage of the vehicle.

**RECOVERY OF VEHICLE BY OWNER:** Prior to the sale or disposition of a **motor** vehicle under the provisions of this ordinance, the owner may reclaim the **motor** vehicle by presentation to the Police Department of proof of ownership and verification that towing, storage and associated cost have been paid.

**ELECTION OF REMEDIES:** The rights, powers and duties set forth in this ordinance may be exercised in addition to or in conjunction with all civil and criminal remedies provided in Massachusetts General Laws. The provisions of this ordinance may also be enforced in the manner provided in Massachusetts General Laws Chapter 40, Section 21D and shall be punishable as follows:

First Offense	\$ 50.00
Second/subsequent Offense	\$100.00

Each twenty four hour period during which a violation exists shall constitute a separate offence,

punishable by the imposition of an additional fine.

**B. PLACEMENT OF MOTOR VEHICLES ON A PUBLIC WAY OR PUBLIC PROPERTY**

When, in the judgement of the Police Chief, Fire Chief or Fire Marshall, a motor vehicle has been placed on a public way or public property in such a manner or in such a condition as to pose a threat to public safety, the Police Chief or Fire Chief may order its immediate removal.

No person shall place upon a public way or public property any motor vehicle for purposes of abandonment or discontinuance of use.

The Police Chief, Fire Chief, Fire Marshall, Director of Public Works, Building Inspector or Compliance Officers may order the owner of any motor vehicle abandoned on a public way or public property to remove the same. If the owner cannot be located or fails after reasonable notice to remove said vehicle, it shall be towed, stored and disposed of in accordance with the provisions of Massachusetts General Laws Chapter 90, Section 22C.

**C. PLACEMENT OF MOTOR VEHICLES ON A PRIVATE WAY OR PRIVATE PROPERTY**

When, in the judgement of the Police Chief, Fire Chief or Fire Marshall, a motor vehicle has been placed on a private way or private property in such a manner or in such condition as to pose a threat to public safety, the Police Chief, Fire Chief or Fire Marshall may cause its immediate removal.

No property owner shall permit any recreational vehicle, whether or not registration is required, to be parked or stored on any residential property, unless said vehicle is parked in a side or rear yard and presence of the vehicle does not unduly burden the availability of on-street parking.

No property owner shall permit an abandoned motor vehicle to remain on his property for more than five days without having obtained a permit therefor from the Fire Marshall. The Police Chief, Fire Chief, Fire Marshall, Director of Public Works, Building Inspector or Compliance Officers may order the owner of any property on which an abandoned or unregistered motor vehicle is stored to remove said vehicle; provided that any removal order shall allow five (5) days to effect removal before any penalties, as provided herein, are imposed and provided further that costs incurred for removal of said vehicle shall be assessed, in addition to any fines and penalties, against the owner of the property.

The Fire Chief or Fire Marshall may issue a permit for the keeping of an unregistered vehicle where he finds that:

1. the presence of the vehicle does not endanger the health or safety of area residents;
2. all applicable permits for storage of oil or gasoline have been obtained;

3. presence of the motor vehicle on private property does not unduly burden the availability of on-street parking.

Said permit shall specify the location and manner of storage of the motor vehicle and contain an expiration date; provided that no permit shall be issued for more than one year from the date of issuance. Permits may be renewed at the discretion of the Fire Chief or Fire Marshall in accordance with the provisions of this section.

### **C. PLACEMENT OF STORAGE CONTAINERS ON A PRIVATE WAY OR PRIVATE PROPERTY**

No storage unit or container shall be stored or parked on any premises without a permit from the Building Commissioner, who may issue permits for the storage of a maximum of two (2) such units or containers on premises for a period not to exceed thirty (30) calendar days. Permits for the siting of storage units or containers for longer than thirty (30) calendar days but no more than one hundred eighty (180) calendar days may be issued by the Malden City Council. Permits for the siting of storage units or containers for 365 calendar days may be issued by the Malden City Council. No more than two (2) permits of any duration may be issued to any premises annually. Storage containers are prohibited from being placed on any public or private way.

#### Permit Fees:

30 day permit:	\$25.00 per container – Issued by Building Commissioner
31 days to 180 days:	\$25.00 plus \$25.00 for every 30 days beyond 30 – Issued by City Council
Yearly Permit:	\$300.00 – Issued by City Council

Notwithstanding the provisions set forth in this section, the temporary placement of a storage unit or container for the limited purpose of temporary storage to accommodate a construction project, remodeling, or clean-up may be kept on a property during the term of a valid building permit issued by the City for work on the property, and for 24 hours before and after the term stated in the Building Permit.