

TOWN OF ALBURG
ORDINANCE REGULATING OUTDOOR
STORAGE OF JUNK AND JUNK VEHICLES
LEGAL NOTICE

Ordinances of Alburg
Title 9: Health and Welfare

CHAPTER 2: REGULATING OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

WHEREAS, the Town of Alburg has, by authority granted in 24 VSA §§ 1971 et seq., 2246 and 2291, the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate outdoor storage of junk and junk motor vehicles within its boundaries;

NOW THEREFORE, to protect public health, safety and well-being, and to promote the responsible use of resources and protection of the environment, the Selectboard of the Town of Alburg hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles.

§9201. DEFINITIONS

- A. "Abandon" means to leave without claimed ownership for 30 days or more.
- B. "Abutting property owner" means any person or persons, corporation or other entity that owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another.
- C. "Enforcement Officer" means any constable, health officer, police officer or Solid Waste Management District enforcement officer appointed by the Selectboard to enforce the provisions of this ordinance.
- D. "Highway" means any highway, road, street, or other public way, regardless of classification.
- E. "Household appliance" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool and the like.
- F. "Junk" means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.

- G. "Junkyard" means any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping four or more junk motor vehicles that are visible from any portion of a public highway. However, the term does not include a private garbage dump or sanitary landfill that is in compliance with 24 VSA §2202 and the regulations of the secretary of human services. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.
- H. "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than on-premise utility vehicle which is allowed to remain unregistered for a period of thirty (30) days from the date of discovery.
- I. "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural and construction operations are excluded from this definition.
- J. "Traveled way" means that portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

§9202. REQUIREMENTS

- A. It shall be unlawful to place, discard, or abandon junk or three (3) or more junk motor vehicles in a place where it is visible from the traveled way of a highway or Town road, or where it is visible to an abutting landowner from that portion of the abutter's land used on a regular basis. Any such item so placed, discarded, or abandoned is hereby declared to be a public nuisance.
- B. It shall be unlawful to place, discard or abandon junk or three (3) or more junk motor vehicles upon the land of another with or without the consent of the owner, when any such item is visible from the traveled way of a highway or Town road, or visible to an abutting landowner from that portion of the abutter's land used on a regular basis. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- C. The following types of vehicle(s) qualify as exemptions:
- (1) Antique and classic vehicles actively being restored; and
 - (2) Recreational vehicles to include race cars, mud vehicles and other competition vehicles, as long as they are kept in running order.

- D. Any person who wishes to operate a junkyard within the Town of Alburg is required to (1) obtain a certificate of approval for the location of the junkyard, and (2) obtain from the State of Vermont a license to operate, establish, or maintain a junkyard.

Certificate of Approved Location. Application for a certificate of approved location shall be made in writing to the Selectboard. The application shall contain a description of the land to be included within the junkyard, which description shall be by reference to so-called permanent boundary markers. The procedures to be followed after an application has been made are those specified in 24 VSA §§ 2252 through 2264, as from time to time amended.

State Junkyard License. The procedures for obtaining a junkyard license from the State of Vermont are those specified in 24 VSA §§ 2261 through 2264, as from time to time amended.

- D. All junkyards, scrap yards, and places of outdoor storage of junk shall be effectively screened from public view by a fence or vegetation at least eight (8) feet in height. Any fence shall be of sound construction and of solid vertical board or 'stockade' type construction, and shall be maintained neatly and in good repair. Such a fence shall not be used for advertising signs or other displays that are visible from the main traveled way of a highway. Any vegetation used for screening shall be of sufficient density so that it effectively screens the area from view. Failure to provide screening as required herein shall be considered a violation of this ordinance.

§9203. ENFORCEMENT AND PENALTIES.

- A. Any junk or junk motor vehicle discovered in violation of §4702 of this ordinance shall be removed or screened from the view of the traveled way of the highway or Town road, or from the view of an adjoining property from the approximate property line between the two properties, by the owner of the land on which it is located, upon receiving written notice from the Selectboard to do so.
- B. Complaints and violation resolutions shall be conducted according to the following procedures and in accordance with the provisions of 24 VSA §1974a and §1977 et seq.:
- (1) A complaint must be filed either in writing or properly presented at a Selectboard meeting.
 - (2) The Alburg Selectboard will ~~investigate the complaint.~~ *cause the complaint to be investigated.*
 - (3) The Alburg Selectboard will first attempt to resolve the issue with the violator.
 - (4) If a compromise cannot be met, the Selectboard will refer the matter to the enforcement officer.
 - (5) The enforcement officer will write the appropriate ticket and give the proper amount of time for the violator to come into compliance.

- (6) If compliance is not met, the ticket issued and amount of fine will remain pending for 30 days.
- (7) Unresolved tickets will be pursued through the judicial process, according to state statute.

C. Additional Provisions for Junk Motor Vehicles.

If the owner of the land on which a junk motor vehicle is discovered in violation of §4702 of this ordinance does not hold title or disclaims title to the vehicle, and the true owner of the vehicle is known or can be ascertained, the true owner shall move, screen or dispose of the vehicle upon receiving said written notice.

If the last known registered owner fails or refuses to reclaim the vehicle upon receiving said written notice, or if after an investigation the owner of the vehicle cannot be ascertained, the Selectboard may notify the Vermont Agency of Transportation.

If the owner of the junk motor vehicles does not remove or screen the vehicle from view within thirty (30) days from the date of mailing of the written notice by the Selectboard, the Selectboard may notify the Vermont Agency of Transportation.

Further procedures by the Agency of Transportation are specified in 24 VSA §2272.

- C. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA §1974a and §1977 et seq. A civil penalty of not more than \$50.00 per day may be imposed for violation of this ordinance, beginning thirty (30) days after the Selectboard mails written notification of violation. The waiver fee shall be set at \$20.00 for the first offense, \$30.00 for the second offense within a six-month period, and \$40.00 for all subsequent offenses within a six-month period. Each day that the violation continues shall constitute a separate violation of this ordinance. The Town Health Officer, Solid Waste Management District enforcement officer, First Constable, persons designated as enforcement officers by the Selectboard, or any law enforcement officer may act as an issuing Municipal Officer and issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint for a violation of this ordinance.

- D. Violations of this ordinance may lead to superior court action seeking injunctive relief and civil penalties pursuant to 24 VSA §1974a.

§9204. SEVERABILITY.


If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

§9205. EFFECTIVE DATE

This ordinance shall take effect sixty (60) days following its adoption by the Alburg Board of Selectmen unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 VSA Chapter 1973.

Adopted this 12 day of AUGUST, 2003

The Alburg Selectboard

Paul Hansen Chairman 

Gary Lockerby 

Rick Baker 
Signatures

*Barbara W. Baker
Town Clerk & Recorder*