

**TOWN OF WOLCOTT
MUNICIPAL ORDINANCE**

OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

Authority: 24 V.S.A., 1971 et seq., 2246 and 2291

Purpose: To protect and preserve the 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 Wolcott hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles.

ARTICLE I. 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 municipal official, police officer, health officer, etc appointed by the selectboard to enforce the provisions of this ordinance.
- d. "Public Highway" means any highway, road, street or other way, regardless of classification or that portion of a public highway designated for the movement of a motor vehicle, shoulder, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.
- e. "Household appliance" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool and any other such item regardless of size.
- 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.
- g. "Junkyard" means any place of outdoor storage or deposit that 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 the storing or keeping of **four (Change to two)** or more junk motor vehicles which are visible from any portion of a public highway. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 V.S.A., 2201 et seq. and any applicable state regulations. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 30 days for inspection or repairs.
- h. "Junk motor vehicles" 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 an on-premise utility vehicle which is allowed to remain unregistered for a period of 30 days after written notification.

1. "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.

ARTICLE 2. Illegal Location/Use.

- a. It shall be unlawful to place, discard or abandon junk or *four (Change to two)* or more junk motor vehicles in a place where any such item is visible from the public highway or town road, or visible to an abutting landowner from that portion of the abutter's land. 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 *four (Change to two)* 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. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.

ARTICLE 3. Approved Location/Use

- a. A person who wishes to operate a licensed junkyard within the Town of Wolcott is required to:
 - obtain a certificate of approval for the location of the junkyard , and
 - obtain a license to operate, establish or maintain a junkyard from the State of Vermont.
- b. Application for a certificate of approved location shall be made in writing to the Selectboard of the town of Wolcott. The procedures to be followed after an application has been made are those specified in 24 V.S.A. 2252-2256, as from time to time amended. The application shall be accompanied by a certificate from the Zoning Board of Adjustment that the proposed location is not within an established district restricted, if any, against such uses or otherwise contrary to such zoning ordinance.
- c. The procedure for obtaining a junkyard license from the State of Vermont are those specified in 24 V.S.A. 2261-2264, as from time to time amend.
- 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 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 which are visible from the 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.

ARTICLE 4. Enforcement and Penalties.

- a. Upon receiving written notice from the Selectboard or its designee to do so, the owner of any junk or junk motor vehicle discovered in violation of Article 2 of this ordinance shall remove or screen the item(s) or vehicles(s) from the view of the traveled way of the highway or town road. Such items shall also be screened from the view of an abutting landowner as seen from that portion of the abutter's land. If the owner of the junk or junk motor vehicle(s) does not remove or screen the items from view within 30 days from the date of mailing of the written notice by the selectboard, the designated enforcement officer may issue the owner of the junk a municipal ticket.
- b. Additional Provisions for Junk Motor Vehicles.
 1. If the owner of the land on which a junk motor vehicle is discovered in violation of Article 2 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 written notice from the Selectboard.
 2. If the 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 appropriate state agency.
 3. The Selectboard may, in addition to or as part of the enforcement procedure follow procedures by the state agency as specified in 24 V.S.A. 2272.
- c. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 **V.S.A.** 1974a and 1977 et seq.
 1. A civil penalty of **\$100** may be imposed for the initial violation of this civil ordinance. The penalty for the second offense within a six-month period shall be **\$250**, and the penalty for each subsequent offense within a six-month period shall be **\$500**.
 2. The waiver fee shall be set at **\$50** for the first offense, **\$75** for the second offense within a six-month period, and a **\$150** for each subsequent offense within a six-month period.
 3. A municipal ticket may be issued anytime after 30 days after written notification of violation is mailed by the Selectboard if the violation has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separated violation of this ordinance. Municipal tickets may be contested in the Judicial Bureau.
- d. Any municipal official or his/her designee shall be the designated enforcement officer(s). They shall issue tickets and may be the appearing officer at any hearing.
- e. A violation of this ordinance may lead to Superior Court action seeking injunctive relief and civil penalties pursuant to 24 V.S.A. 1974a

ARTICLE 4. Severability. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

ARTICLE 5. Effective Date. This ordinance shall become effective 60 days after its adoption by the town selectboard. If a petition for a vote on this ordinance is filed under 24 V.S.A. 1973, that statute shall govern the taking effect of this ordinance.

Adopted by the Wolcott Selectboard on April 7, 2004

Robert E. Vize, Chair

Frederick S. Martin

Roy W. Westover, Sr.

ADOPTION HISTORY

Agenda item at regular Selectboard Meeting held on April 7, 2004.

Read and approved at regular Selectboard meeting on April 7, 2004 entered in the minutes of that meeting which were approved on April 27, 2004

Posted in public places at the Wolcott Town Clerk, Town Hall, Post Office, Library, North Wolcott Store and Wolcott Store.

Notice of adoption published in the Transcript, and Hardwick Gazette on April 12, 2004 and April 14, 2004 respectively with a notice of the right to petition.

Citizens have the right to petition for a vote on the ordinance, within 45 days, in accordance with 24 V.S.A. Section 1973.

Agenda item at regular Selectboard Meeting held on May 2, 2018.

Public Hearing to be held June 20th, 2018. Notice of Public Hearing published June 7th, 2018 in the News & Citizen and Hardwick Journal.

Notice of adoption published in the News & Citizen and Hardwick Journal on _____ respectively with a notice of the right to petition.

Citizens have the right to petition for a vote on the ordinance, within 45 days, in accordance with 24 V.S.A. Section 1973.

Amended _____

Eric Furs _____

Michael Davidson _____

Jenn Clapp-Holton _____

Kimberly Gravel _____

Richard Lee _____