

**Town of St. Albans
Municipal Ordinance**

OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

WHEREAS, the Town of St. Albans has, by authority granted in 24 V.S.A. §§ 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 the public health, safety and wellbeing, and to promote the responsible use of resources and protection of the environment, the Board of Selectmen of the Town of St. Albans hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles, but excluding duly authorized junkyards by the Town of St. Albans.

SECTION 1. 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, constable, health officer, etc. appointed by the Selectboard to enforce the provisions of this ordinance. The Enforcement Officer appointed by the Town of St. Albans Selectboard shall enforce this Ordinance and may hold any other office in the Town of St. Albans. Nothing in this Ordinance shall prevent the Enforcement Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce.
- D. "Highway" means any highway, road, street or other public way, as defined in 19 V.S.A. §1 (12).
- E. "Household appliance" means any range, stove, refrigerator, washing machine, microwave oven, computer, 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.
- G. "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 an on-premise utility vehicle which is allowed to remain unregistered, uninsured and inoperative for a period of 12 months from the date of notice to the owner of the land where the junk motor vehicle is situated.

- H. "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.
- I. "Notice" means written notice mailed by certified mail with return receipt requested.
- J. "Trash" means rubbish, waste and refuse, including, but not limited to household wastes, household appliances, automotive parts, automobiles and furniture, but shall not include junk at a duly licensed salvage yard.
- K. "Traveled way" in this ordinance refers to that portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, or observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

SECTION 2. Requirements:

- A. Any motor vehicle stored for any purpose shall be kept in a hazard-free condition at all times.
- B. Any vehicle classified as a junk motor vehicle shall maintain a minimum setback of fifty (50) feet from the high-water mark of all streams and brooks and take up no more than 200 square feet.
- C. It shall be unlawful to place, discard or abandon junk or junk motor vehicles in a place where any such item is visible from the traveled way. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- D. For safety reasons, the owner of any junk motor vehicle or household appliance must secure the same so as to disallow unauthorized entry by other persons, especially children. Any doors large enough for a child to crawl through on any household appliance must be removed. Junk motor vehicles' doors must either be chained or locked shut.
- E. It shall be unlawful to place, discard or abandon junk upon the land of another with or without the consent of the landowner, when any such items are visible from the traveled way of a highway or town road. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- F. A person who wishes to operate a junkyard within the Town of St. Albans is required to obtain all local, state and federal permits.

G. All junk, scrap yards, and places of outdoor storage of junk shall be effectively screened from public view by a fence or evergreen vegetation. 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. Screening may be inspected at any time by the Enforcement Officer to make sure it is appropriately maintained and in good repair. The owner will be notified in writing should repairs or upgrades of the fencing be required. 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 height and density so that it effectively screens the area from view during all seasons. Failure to provide screening as required herein shall be considered a violation of this ordinance.

SECTION 3. Enforcement, Fees and Penalties:

A. Upon receiving written notice from the Enforcement Officer to do so, the owner of any junk or junk motor vehicles discovered in violation of Section 2 of this ordinance shall remove or screen the item(s) or vehicles from the view of the traveled way of the highway or town road. If the owner of the junk or junk motor vehicles does not remove or screen the items from view within 30 days from the date of mailing of the written notice by the Enforcement Officer, an enforcement action shall commence.

B. Additional Provisions for Junk Motor Vehicles.

1. If the owner of the land on which junk motor vehicles are discovered in violation of Section 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 vehicles upon receiving written notice from the Enforcement Officer.
2. A person who violates Section 2, subsection G of this ordinance shall be fined (not less than \$5 nor more than \$50) for each day a violation exists, pursuant to 24 V.S.A. § 2282.

C. Additional Provisions for Abandoned Motor Vehicles.

1. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property and may contract a towing service for removal of such motor vehicle, based upon personal observation by the officer that the vehicle is abandoned, as defined in 23 V.S.A. § 2151.
2. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property and may contact a towing service for removal from private property of such vehicle, based upon complaint from the owner or agent of the property of which the vehicle is located that the vehicle is abandoned.

3. An owner or agent of an owner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property and may contact a towing service for removal from that property of an abandoned motor vehicle, the owner or agent shall immediately notify the City of St. Albans Police Department from which the vehicle is removed. Notification shall include identification of the registration plate number, the vehicle identification number, make, model, and color of the vehicle. The owner or agent of an owner of property upon which a motor vehicle is abandoned may remove the vehicle from the place where it is discovered to any other place on any property owned by him or her, or cause the vehicle to be removed by a towing service without any civil liability to the owner of the abandoned vehicle.

D. A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Superior Court, at the election of the Selectboard. Each day that the violation continues shall constitute a separate violation of this ordinance.

1. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$800 per violation may be imposed for violation of this ordinance, except for violations of Section 2 subsection G.

i. A municipal ticket will be issued by the Enforcement Officer if the violation has not been corrected in accordance with this ordinance.

ii. For purposes of enforcement in the Judicial Bureau, the designated Enforcement Officer shall issue tickets and may be the appearing officer at any hearing. The municipal attorney may also be the appearing officer at the hearing at the direction of the Selectboard for violations other than those in Section 2, subsection G.

2. An enforcement officer is authorized to recover fines as established by the Judicial Bureau for each violation of this ordinance.

First Offense	<i>(\$100) full penalty / (\$50) waiver penalty</i>
Second Offense	<i>(\$200) full penalty / (\$100) waiver penalty</i>
Third offense	<i>(\$400) full penalty / (\$200) waiver penalty</i>
Subsequent offense	<i>(\$800) full penalty / (\$400) waiver penalty</i>

3. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Officer or Selectboard may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$800 per violation may be imposed for violation of this ordinance. A civil action may be initiated if the violation has not been corrected in accordance with this ordinance, other than those in Section 2, subsection G.

SECTION 4. Other Laws:

This ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

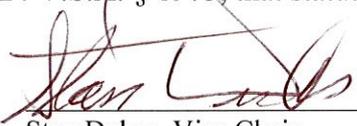
SECTION 5. Severability:

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.

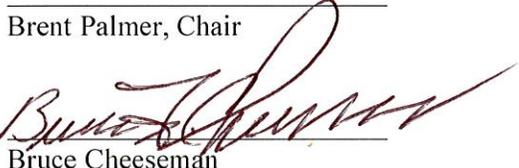
SECTION 6. Effective Date:

This ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following the expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Brent Palmer, Chair



Stan Dukas, Vice Chair

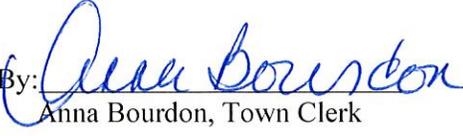


Bruce Cheeseman



David McWilliams

Sam Smith

Attest By: 
Anna Bourdon, Town Clerk

Date: 

Adoption History – Outdoor Storage of Junk and Junk Vehicles

1. Agenda item at regular Selectboard meetings on 5/11/15, 5/18/15, 6/8/15, 6/22/15, 7/13/15, 7/27/15, 8/10/15 and 8/24/15.
2. Read and approved at regular Selectboard meeting on 8/24/2015 and entered in the minutes of that meeting which were approved at the meeting of 9/14/2015.
3. Posted in public places on 9/15/2015.
4. Notice of adoption published in the St. Albans Messenger newspaper on 8/27/2015 and 8/28/2015 with a notice of the right to petition.
5. Petition received on 9/22/2015 to rescind ordinance.
6. Special election held on 11/10/2015. Article failed.
7. Ordinance effective 11/11/2015.

ST. ALBANS TOWN CLERK'S OFFICE
RECEIVED FOR RECORD / DISCHARGE
November 12 A.D. 2015
at 10 o'clock 06 minutes A M
and recorded in Book Ord 2 Pages 103-108
Attest: [Signature] Asst. Town Clerk

