

CIVIL ORDINANCE REGULATING OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

WHEREAS, the Town of Ripton 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 Ripton hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles.

ARTICLE I DEFINITIONS

(A) "Abandon" means to leave for 30 days or more.

(B) "Highway" means any highway, road, street or other public way, regardless of classification.

(C) "Household appliance" means appliances like ranges, stoves, refrigerators, washing machines, clothes dryers, water pumps, and power tools. Other similar appliances not listed are not necessarily excluded from the provisions of this ordinance.

(D) "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 of the above items used in a bona fide agricultural operation (including forestry operations) are excluded from this definition.

(E) "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 licensed or otherwise authorized business, which is maintained or used for storing or keeping four 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 which 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.

(F) "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to a water and sewer system, or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered for a period of thirty (30) days from the date of discovery.

(G) "Traveled way" means that portion of a public highway designed for the movement of a motor vehicle, including the road's shoulders, roadside parking, rest or observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

(H) "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.

(I) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural (including forestry) and construction operations are excluded from this definition.

ARTICLE II REQUIREMENTS

(A) It shall be unlawful to place, discard or abandon any junk or three 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 a public nuisance.

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

(1) 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.

(2) 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 2256, as from time to time amended.

(C) 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 which 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.

ARTICLE III ENFORCEMENT AND PENALTIES

(A) Any junk or junk motor vehicle discovered in violation of Article II 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, within 30 days of the date of mailing of written notice from the Selectboard to do so.

(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 II 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 within thirty (30) days of the date of mailing said written notice.
- (2) If the last known registered owner fails or refuses to reclaim the vehicle within the time stated above in subarticle (B)(1), or if after an investigation the owner of the vehicle cannot be ascertained, the Selectboard may notify the Vermont Agency of Transportation for action by the Agency as 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 Section 1977 through Section 1982 or the provisions of 24 VSA Section 1974a.

(D) Penalties.

(1) Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$100.00 per day for each day that such violation continues. Each day that a violation is continued shall constitute a separate offense. In default of payment of a fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine.

(2) An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a Municipal complaint and pay the waiver fee:

First Offense: \$35

Second Offense: \$60

Third Offense: \$75

Offenses shall be counted on a six-month basis.

(E) Other relief.

In addition to the enforcement procedures available before the Judicial Bureau, the Selectboard may seek injunctive relief or such other penalties as may be permitted under 24 VSA 1974a, or may pursue any other remedy available by law.

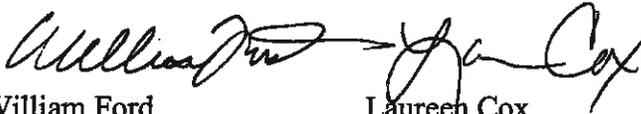
ARTICLE IV EFFECTIVE DATE

This ordinance shall be effective pursuant to the Municipal Ordinance adoption rules 24 VSA 1971, 2246 and 2291.

Adopted by the Ripton Selectboard on May 22, 2006.

Advertised on

2006 in the Addison Independent.



William Ford

Laureen Cox

Ronald Wimett

Appeal was was not filed.

If no appeal, Ordinance becomes effective 60 days after the adoption of the ordinance by the Ripton Selectboard.