

**TOWN OF WEST WINDSOR, VERMONT
ORDINANCE REGULATING
THE OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES**

SECTION 1. Authority. This ordinance is adopted by the Selectboard of the Town of West Windsor under authority of 23 V.S.A. § 2157, 24 V.S.A. §§ 2246 and 2291(14), and 24 V.S.A. Chapter 59.

SECTION 2. Purpose. It is the purpose of this ordinance to regulate the outdoor storage and disposal of junk (including junk motor vehicles), regulate abandoned motor vehicles, and to regulate salvage yards in the Town of West Windsor in order to protect the health, safety, and well-being of the public and to protect the environment.

SECTION 3. Definitions. For purposes of this ordinance, the following words and/or phrases shall apply:

- a. “Abandoned vehicle” means a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for more than 48 hours, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicles does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.
- b. “Enforcement Officer” means any officer of the Town of Windsor Police Department as contracted by the Selectboard to enforce the provisions of this ordinance.
- c. “Junk” means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material including, but not limited to, rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof.
- d. “Junk motor vehicle” means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof, or a motor vehicle, other than an on premise utility vehicle, which remains unregistered or uninspected for a period of 90 days from the date of discovery.
- e. “Motor vehicle” means any vehicle propelled or drawn by power other than muscular power, including trailers.
- f. “Notice” means written notice mailed by certified mail with return receipt requested.

- g. "Person" means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont, or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.
- h. "Salvage yard" means any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility as defined in 24 V.S.A. § 2241(12). "Salvage yard" also means a yard, field, or other outdoor area on a property used or maintained by the owner or person controlling the property for storing or depositing four or more junk motor vehicles. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs, a private transfer station or sanitary landfill which is licensed in compliance with the Vermont Statutes Annotated or a junk motor vehicle storage area specifically exempted under 24 V.S.A . § 2241(15(A) through (D)).
- i. "Secretary" means the Secretary of Natural Resources or the Secretary's designee.
- j. "Main traveled way" means the portion of a highway designed for the movement of motor vehicles, including shoulders, auxiliary lanes, and roadside picnic, parking, rest, and observation areas and other areas immediately adjacent and contiguous to the traveled portion of the highway and designated by the Transportation Board as a roadside area for the use of highway users and generally but not necessarily located within the highway right-of-way.

SECTION 4. Requirements.

- a. Unless specifically exempted under 24 V.S.A, Chapter 61, Subchapter 10 or permitted under Subparagraph b below, it shall be unlawful to place, discard, or abandon four (4) or more "junk motor vehicles" or "junk," both as defined above, in any outdoor place in West Windsor. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance and a violation of this ordinance.
- b. Furthermore, according to the West Windsor Zoning Bylaw, owning or operating, or allowing the operation of, a salvage yard on land within Town is not allowed unless it is permitted as a Conditional Use within the Light Industrial/Commercial Zoning District as specified in the current West Windsor Zoning Regulations and is being operated in compliance with both 24 V.S.A. §§ 2201 et seq. and this ordinance. Any salvage yard operating without the necessary permits and approvals as herein specified is declared to be a public nuisance and a violation of this ordinance.
- c. A person who wishes to operate a salvage yard within the Light Industrial/Commercial Zoning District is required to obtain a Certificate of Approved Location from the Selectboard and obtain a State Salvage Yard Certification from the Secretary to operate, establish, or maintain a salvage yard.
 - 1. **Certificate of Approved Location.** Application for a certificate of approved location shall be made in writing to the Selectboard of the Town. The application shall contain a

description of the land to be included within the salvage yard, which description shall be by reference to so-called permanent boundary markers. The certificate of approved location is valid for five (5) years. The conditions and procedures to be followed after an application has been made are those specified in 24 V.S.A. §§ 2251-2257, as from time to time amended. The application shall be accompanied by a certificate from the Zoning Administrative Officer that the proposed location has been granted a Conditional Use Permit by the West Windsor Development Review Board (“DRB”), which shall attach such conditions (noise, screening, etc.) to the permit as may be deemed appropriate under the Zoning Ordinance.

2. **State Salvage Yard Certification.** The procedures for obtaining a salvage yard certification from the Secretary are those specified in 24 V.S.A. Chapter 61, as from time to time amended.

- d. All salvage yards and any similar places of outdoor storage specifically exempted from the provisions of 24 V.S.A., Chapter 61 shall be effectively screened from public view by a fence or vegetation at least six (6) feet high. Any fence shall be of sound construction, 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 to effectively screen the area from view. Failure to provide screening as required herein shall be considered a violation of this ordinance. Approval for a fence must be granted as part of the DRB’s Conditional Use decision.

SECTION 5. Enforcement and Penalties.

- a. Upon receiving written notice from the Enforcement Officer to do so, the owner of any junk or junk motor vehicle discovered in violation of Section 4 of this ordinance shall remove the junk or junk motor vehicle(s). Failure to remove the items within 30 days from the date of mailing of the written notice by the Enforcement Officer shall be violation of this ordinance.
- b. A person found to be in violation of this Ordinance shall be subject to a Civil Penalty of up to \$500.00 per day for each day that such violation continues. An Enforcement Official shall be authorized to act as an issuing municipal official to issue and pursue before the Judicial Bureau a municipal ticket. Each day a violation continues shall constitute a separate violation. An Enforcement Official is authorized to recover Civil Penalties and Waiver Fees in the following amounts for each violation:

	Civil Penalty	Waiver Fee
First Offense	\$100.00	\$50.00
Second Offense	\$200.00	\$100.00
Third Offense	\$300.00	\$200.00
Fourth Offense	\$400.00	\$300.00
Fifth and Subsequent Offenses	\$500.00	\$400.00

c. 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 4 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 remove the vehicle upon receiving written notice from the Enforcement Officer.
2. Upon receiving written notice from the Enforcement Officer to do so, the true owner of the junk motor vehicle discovered in violation of Section 4 of this ordinance shall remove the junk motor vehicle(s). Failure to remove the items within 30 days from the date of mailing of the written notice by the Enforcement Officer shall be violation of this ordinance subject to the Civil Penalties set forth in 5b. above

d. 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 contact 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 on 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 vehicle. If an owner or agent of an owner removes or causes removal of an abandoned motor vehicle, the owner or agent shall immediately notify the Town of Windsor Police Department. Notification shall include identification of the registration plate number, the vehicle identification number, make, model, and color of the vehicle.

- e. Any violations of a Conditional Use Permit issued pursuant to the West Windsor Zoning Ordinance shall be prosecuted according to the provisions of that Ordinance.

SECTION 6. 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 7. 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. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

SECTION 8. Effective Date. This Ordinance shall become effective sixty (60) days from the date hereof unless a petition signed by at least five percent of the voters of West Windsor is filed with the Town Clerk within 44 days following the date of adoption asking for a vote to disapprove the ordinance. If a petition is received, the West Windsor Selectboard will warn a special meeting and the voters may vote on that question.

Adopted this 28th day of January, 2019.

Town of West Windsor Selectboard



Brett Myers

Megan Kitchin

Date 1.28.19

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on January 28, 2019.
2. Read and approved at regular Selectboard meeting on January 28, 2019 and entered in the minutes of that meeting which were approved on 2.11.19.
3. Posted in public places on January 30, 2019.
4. Notice of adoption published in the Vermont Standard newspaper on 2.7.19 with a notice of the right to petition.
5. Other actions (petitions, etc.), if applicable.