

**TOWN OF GREENSBORO**  
**ORDINANCE REGULATING**  
**THE OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES**

**Section 1. Authority.** This ordinance is adopted by the Selectboard of the Town of Greensboro per authority of 23 VSA §2157, 24 VSA §2246, §2291 & 24 VSA §1971 et seq.

**Section 2. Purpose.** It is the purpose of this ordinance to regulate the outdoor storage and disposal of junk, and junk vehicles, and to regulate abandoned motor vehicles, and to regulate salvage yards in the Town of Greensboro to protect the public health, safety and well-being of the public and to protect the environment.

**Section 3. Definitions.** The following definitions pertain to this ordinance.

1. "Abandon" means to leave without claimed ownership for 30 days or more.
2. "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.
3. "Enforcement Officer" means any municipal official, police officer, constable, health officer, etc. appointed by the Selectboard to enforce the provisions of this ordinance.
4. "Highway" means any highway, road, street or other public way, regardless of classification.
5. "Household appliance" means any range, stove, refrigerator, washing machine, microwave oven, computer, clothes dryer, water pump, power tool and the like.
6. "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.

"Junkyard" (or "Salvage yard") 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 as defined in 24 V.S.A. § 2241. "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 two or more junk motor vehicles that are clearly 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. "Junkyard" does not mean an operating repair facility where wrecked or disabled motor vehicles are stored for inspection, repairs, or sale.

7. "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered and uninsured for a period of 30 days from the date of notice to the owner of the land where the junk motor vehicle is situated.
8. "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.
9. "Notice" means notice given by first class mail or delivery in hand by any enforcement officer as defined in the ordinance. First class notice shall be deemed sufficient if sent to the owner of the land at the last known address for such person. Such notice shall be deemed to have been received by the owner of the land five (5) days from the date of the posting if the notice is given by first class mail.
11. "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 4. Requirements.**

- A. It shall be unlawful to place, discard or abandon junk or two or more junk motor vehicles in a place where any such item is clearly visible from the traveled way of a highway or town road, or clearly 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. For safety reasons, the owner of any junk motor vehicle or household appliance must secure the same as to disallow unauthorized entry by other persons, especially children.

C. It shall be unlawful to place, discard or abandon junk or two or more junk motor vehicles upon the land of another with or without the consent of the landowner, when any such item is clearly visible from the traveled way of a highway or town road, or clearly 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.

D. A person who wishes to operate a junkyard within the Town of Greensboro is required to: Obtain approval for the location of the junkyard, and obtain a license to operate, establish or maintain a junkyard from the Agency of Transportation.

1. Certificate of Approved Location. Application for a certificate of approved location shall be made in writing to the Selectboard of the Town of Greensboro. 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 Certificate of Approved Location is valid for 5 years. 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. In addition, the application shall be accompanied by a certificate from the Greensboro Development Review Board that the proposed location is not within an established district restricted against such uses or otherwise contrary to such zoning ordinance.

2. State Junkyard License. The procedures for obtaining a junkyard license from the State Agency of Transportation are those specified in 24 V.S.A. §§ 2261-2264, as from time to time amended.

3. All junkyards 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 a traveled way of a highway. Any vegetation used for screening shall be of sufficient 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 5. Enforcement & Penalties.**

Upon receiving written notice from the Selectboard to do so, the owner of any junk or junk motor vehicle discovered in violation of Section 4 of this ordinance shall remove or screen the item(s) or vehicle(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 used on a regular basis. 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 pursue an enforcement action pursuant to Section 5(C) of this ordinance, and may notify the Agency of Transportation. Failure to remove or screen the items from view within 30 days from the date of mailing of the written notice by the designated Enforcement Officer shall be a violation of this ordinance.

A. Additional Provisions for Junk Motor Vehicles.

1. If the owner of the land on which a junk motor vehicle is discovered in violation of Section 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 move, screen or dispose of the vehicle upon receiving written notice from the Selectboard via certified mail or personal service.

2. 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 Agency of Transportation.

3. Further procedures by the Agency of Transportation are specified in 24 V.S.A. § 2272.

C. A violation of this ordinance shall be a civil matter enforced in the Vermont Judicial Bureau or in the Orleans County Superior Court, at the election of the Selectboard.

1. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in either the Judicial Bureau or the Superior Court, the following civil penalties shall apply:

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>

2. A municipal ticket (i.e. citation) will be issued 15 days after written notification of violation is mailed or delivered by the Selectboard or its representative if the violation

has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.

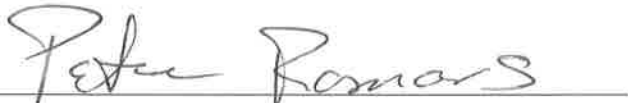
3. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Officer or Selectboard may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$800 per violation may be imposed for violation of this ordinance.

D. For purposes of enforcement in the Judicial Bureau, the Selectboard, or a law enforcement official shall be designated enforcement officer(s). Said designee(s) shall issue tickets (i.e. citations) and may be the appearing officer at any hearing.

**Section 6. Severability.** Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

**Section 7. Effective Date.** This ordinance shall become effective 60 days after its adoption by the Town of Greensboro 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.

Dated: June 12, 2019



Peter Romans, Chair

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Mike Lapierre

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Andy Kehler



Matt McAllister



Tracy Collier