

TOWN OF FAIR HAVEN ORDINANCE REGULATING THE STORAGE OF JUNK AND JUNK MOTOR VEHICLES

#2005-10-25

WHEREAS, the Town of Fair Haven 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; and

WHEREAS, the storage of junk and junk motor vehicles on property located within the Town of Fair Haven can promote the presence of pests and vermin and may contribute to contamination of the environment;

NOW, THEREFORE, to protect the public health, safety and well-being and to promote the responsible use of resources and to protect the environment, the Selectboard of the Town of Fair Haven hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles.

ARTICLE 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 constable or law enforcement officer, appointed by the Selectboard to enforce the provisions of this ordinance.
- D. "Highway" for purposes of this ordinance means any public highway, road, street, sidewalk, or other public right of way, regardless of classification.
- E. "Household appliance" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool and the like.
- G. "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, household waste, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or

ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.

- H. "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 three or more junk motor vehicles which are visible from any portion of a public highway.

The term "junkyard" 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 90 days for inspection or repairs.

- I. "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 for a period of 30 days from the date of discovery.
- J. "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.
- K. "Outdoor Areas" means any area of the property that is not an indoor area or indoor common area.
- L. "Traveled way" means that portion of a highway designed for the movement or stopping of a motor vehicle, including without intent of limitation, shoulders, roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the highway.

ARTICLE 2: Prohibitions

- A. It shall be unlawful to store, place, discard or abandon junk or junk vehicles in a place where any such item is visible from the traveled way of a highway or is visible to an abutting landowner from any portion of the abutter's land. Any such item so placed, stored, discarded or abandoned is hereby declared to be a public nuisance.
- B. It shall be unlawful to place, discard or abandon junk or one or more junk motor vehicles upon 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 is visible to an abutting landowner from any portion of the abutter's land. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.

- C. It shall be unlawful to allow fallen leaves to accumulate and remain in a location from which the fallen leaves can enter the Town's storm drains. Prior to November 15 of each year, and continuing throughout the winter season, all such fallen leaves shall be removed to a location from which they cannot enter the Town's storm drains.
- D. It shall be unlawful to accumulate waste except in enclosed suitable storage containers. Occupants and/or owners of all residential, commercial and rental properties shall place or caused to be placed all solid waste and recyclable material in suitable enclosed containers and shall not permit any accumulation or deposit of such substances on the premises except in such suitable containers

Accumulation or depositing of solid waste and recyclables on residential and/or commercial properties shall constitute a violation of this ordinance.

- E. The provisions regarding storage of junk or junk motor vehicles shall not apply to any property that is permitted by State or local authority for business use as a salvage yard, junk yard, landfill, scrap yard, or other such place for outdoor storage of junk and/or junk motor vehicles. However, all other provisions of this ordinance other than those related to storage shall apply. All areas used by such permitted or authorized businesses for the storage of junk and/or junk motor vehicles shall be screened from public view by a fence, trees, or shrubs at least eight feet in height any all junk or junk motor vehicles stored on their premises. Any fence shall be of sound construction and of solid vertical board or 'stockade' type construction, and shall be maintained neatly in natural colors 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 storage area from view. Failure to provide screening as required herein shall be considered a violation of this ordinance.

ARTICLE 3: Enforcement and Penalties

- A. Within 30 days from the date of mailing of a written notice by the Selectboard of any violation of this ordinance, the owner or possessor of any junk, junk motor vehicle, overgrown grass, and/or accumulated leaves shall remove and/or screen the offending item(s) in a manner that brings the property into compliance with this ordinance.

If the items are not removed or screened in a manner that brings the property into compliance with this ordinance within 30 days from the date of mailing of the written notice by the Selectboard, then, in addition to imposing such fines and taking such legal actions as may otherwise be authorized by law, the Selectboard

may notify the appropriate state agency, or, at its sole discretion, may cause such junk or junk motor vehicle(s), grass and/or leaves to be removed at the expense of the owner of the same.

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 by the owner of the land and is furnished to the Selectboard by that land owner, the true owner shall move, screen or dispose of the vehicle upon receiving written notice from the Selectboard.
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 appropriate state agency, or, at its sole discretion, may cause such vehicle to be removed. In all cases where junk vehicles are located on the land of the same owner, and the true owner of one or more such vehicles cannot be located after the landowner disclaims title to such vehicles, the owner of such land shall be conclusively deemed to be the owner of such vehicles and responsible for their removal, screening or disposal or for the expense of the removal of the same.

- 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.* A civil penalty of not more than \$500 per violation may be imposed for violation of this ordinance. A Vermont Municipal Complaint ticket will be issued 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 the violation continues shall constitute a separate violation of this ordinance.
- D. The town constables and law enforcement officers shall be designated enforcement officers. Said designees shall issue Vermont Municipal Complaint tickets and shall 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.
- F. All fines, removal expenses and penalties provided for under this ordinance shall constitute a lien against the party against whom they are levied and, in the case of any land owner in the Town of Fair Haven, against such real property.

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 Fair Haven Board of Selectmen unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 V.S.A. § 1973.

Approved by the selectboard at the public meeting on the 19th day of August 2025

Richard B. Suen

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