

Town of Concord



(802) 695-1094

PO Box 317

Concord, VT 05824-0317

REGULATING OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

WHEREAS, the town of Concord 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 well being, and to promote the responsible use of resources and protection of the environment, the Selectboard of the town of Concord hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles.

ARTICLE I. Definitions.

- a. "Abandon" means to leave without claimed ownership for 30 days or more.
- b. "Abutting/Adjoining 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 person appointed by the Selectboard to enforce the provisions of this ordinance.
- d. "Highway" means any highway, road, street or other public way, regardless of classification.
- e. "Household appliance" means any range, stove, refrigerator, washing machine, 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. Any of the above items used in a bona fide agricultural operation as defined by statute are excluded from this definition.

- 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 for a period of 90 days from the date of discovery.
- 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. "Traveled way" means that portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

ARTICLE 2. Requirements.

- a. It shall be unlawful to place, discard or abandon junk or four or more junk motor vehicles in a place where any such item is visible from the traveled way of a highway or town road, or 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. It shall be unlawful to place, discard or abandon junk or four or more junk motor vehicles upon the 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 town road, or 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.
- c. Operation of a Junk yard/Salvage Yard with-in the Town of Concord is not allowed.

ARTICLE 3. Enforcement and Penalties.

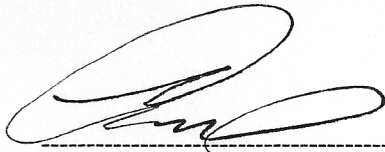
- a. Upon receiving written notice from the Selectboard to do so, the owner of any junk or junk motor vehicle discovered in violation of Article 2 of this ordinance shall remove or screen the item(s) or vehicle(s) from the view of the traveled way of the highway or town road. Such items shall also be 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 Selectboard shall notify the appropriate state agency.
- 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, 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 shall notify the appropriate state agency.
 3. Further procedures by the state agency are specified in 24 V.S.A. § 2272.
- c. A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Essex County Superior Court, at the election of the legislative body.
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 \$100.00 per violation shall be imposed for violation of this ordinance.
 - A. A municipal 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 that the violation continues shall constitute a separate violation of this ordinance.
 - B. For purposes of enforcement in the Judicial Bureau, the town *Concord Zoning Administrator* shall be the designated enforcement officer. Said designee shall issue tickets and may be the appearing officer at any hearing.
 2. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The legislative body may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$100.00 per violation may be imposed for violation of this ordinance. A civil action may be initiated within 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 that the violation continues shall constitute a separate violation of this ordinance.

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.

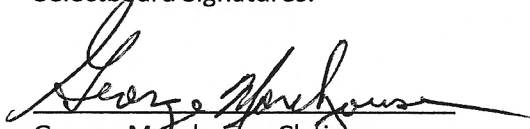
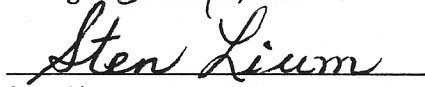

ARTICLE 5. Effective Date. This ordinance shall become effective 60 days after its adoption by the town Concord Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.



Karl Goulding, Administrative Assistant

Selectboard Signatures:

Date 9-1-2011


George Morehouse, Chairman
Robert Paquette
Sten Lium
Thomas Brown
James R. Gochie

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on September 1st 2011.
2. Read and approved at regular Selectboard meeting on September 1st 2011 and entered in the minutes of that meeting which were approved on SEP 01 2011.
3. Posted in public places on SEP 02 2011.
4. Notice of adoption published in the Calendar Record newspaper on SEP 06 2011 with a notice of the right to petition. SEP 10 2011
5. Other actions [petitions, etc.]

Submitted to Town Clerk
on 10/31/11 by Administrative Assistant (RG)
Received by Town Clerk
on September 31, 2011 DB
@ 3:01 pm

Would you please post this on your notices page at your earliest convenience?
Thank you
Concord Select Board
695-1094

Town of Concord Regulating Outdoor Storage of Junk and Junk Vehicles

On September 1st 2011 the Concord Selectboard adopted a Junk Ordinance. The purpose of this Junk Ordinance is to protect the public health, safety and well being, and to promote the responsible use of resources and protection of the environment. The principal provisions of this Junk Ordinance are summarized in the table of contents, set out below.

The full text of the Junk Ordinance may be examined at (1) Concord Municipal Building, (2) Concord Post Office, (3) Concord Town Clerk Office (4) North Concord Post Office, (5) Barnies Market.

This policy may be disapproved by a vote of a majority of the qualified voters of the Town of Concord voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted as follows: Such a petition shall be signed by not less than five percent (5%) of the qualified voters the Town of Concord, and presented to the Selectboard or the Concord Town Clerk within sixty (60) days following September 1st. 2011.

The following named person has knowledge of the Junk Ordinance, and is available to answer questions about it. Their address is: c/o Concord Administrative Assistant; Karl Goulding, P.O. Box 317; Concord, VT 05824. Their telephone number is 802-695-1094

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Ran Concordian Record on Sept. 6th & Sept 10th 2011.