

**VILLAGE OF BARTON  
ORDINANCE REGULATING OUTDOOR STORAGE OF  
JUNK AND JUNK VEHICLES ON NON-COMMERCIAL  
PROPERTY**

WHEREAS, THE VILLAGE OF Barton has, by authority granted in 24 B.S.A. Section 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 Board of Trustees of the village of Barton 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 property owner" means any person or persons, corporation or other entity that owns, leases, or in any way uses or controls the real property abutting any portion of the property of another.
  
- c. "Enforcement Officer" means any law enforcement officer or health officer appointed by the board of Trustees 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 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 or recreation vehicle not connected to water and/or sewer, or a vehicle other than on premises utility vehicle which is allowed to remain unregistered for a period of 90 days from the date of discovery.

h. "Motor vehicle" means an vehicle propelled or drawn by power other than muscular powers, including trailers. Functional vehicles and equipment used for agricultural and construction operations are excluded from the 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 II. 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 village 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 village road, or visible to an abutting landowner from the portion of the abutter's land. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.

## **ARTICLE III. Enforcement and Penalties.**

a. Upon receiving written notice from the Village Trustees to do so, the owner of any junk or junk motor vehicle discovered in violation of Article II of this ordinance shall remove the item (s) or vehicle (s) from the view of the traveled way of the highway or village road. Such items shall also be removed from the view of an abutting landowner as seen from the portion of the abutter's land used on a regular basis. If the owner of the junk or junk motor vehicle does not remove the items within 30 days from the date of mailing of the written notice by the Village Trustees, the owner will be found to be in violation.

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 or dispose of the vehicle upon receiving written notice from the board of Trustees.

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 cannot be ascertained, the village Trustees may notify the appropriate State agency and request that action be taken pursuant to 24 V.S.A. Section 2272.

c. A violation of this ordinance shall be a civil matter enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. Sections 1974a and 1977 et seq. A Municipal ticket will be issued 30 days after written notification of violation is mailed by the village Trustees if the violation has not been corrected in accordance with this ordinance. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance. The penalty for the first offense shall be \$100.00 and the waiver fee shall be \$50.00, the penalty for a second offense shall be \$250.00, and the waiver fee shall be \$125.00, the penalty for the third offense and any subsequent offense shall be \$500.00 and the waiver fee shall be \$300.00. Each day that the violation continues shall constitute a separate violation of this ordinance.

d. Any law enforcement officer or health officer designated by the village Trustees shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may 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 Section 1974a.

**ARTICLE IV. 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 V. Effective Date. This ordinance shall become effective 60 days after its adoption by the village Trustees. If a petition is filed under 24 V.S.A Section 1973, that statute shall govern the taking effect of this ordinance.

David M. Sredaker

Date: 2/13/06

John D. Elliott

Ellen C. Merchant

Signatures

ADOPTION HISTORY:

1. Agenda item at regular village trustees meeting held on February 6, 2006.
2. Read and approved at regular village trustees meeting on February 13, 2006.  
and entered into the minutes of that meeting which were approved on \_\_\_\_\_.
3. Posted in public places on February 14, 2006.
4. Notice of adoption published in the Chronicle newspaper on February 22, 2006, with a notice of the right to petition.
5. Other actions (petitions, etc.)

In accordance with the provisions of Title 24, Section 1973, Vermont Statutes Annotated, an ordinance adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed by not less than five per cent (5%) of the qualified voters of the municipality and presented to the legislative body or the clerk of the municipality within forty-four (44) days following the date of the adoption of the ordinance by the legislative body.

Questions regarding the ordinance or the process of petitioning for a vote to disapprove the same may be directed to the Barton Village Trustees, 17 Village Square, Barton, Vermont 05822.