

1 H.318

2 Introduced by Representatives Masland of Thetford, Anthony of Barre City,
3 Batchelor of Derby, Beck of St. Johnsbury, Briglin of Thetford,
4 Campbell of St. Johnsbury, Jerome of Brandon, Kitzmiller of
5 Montpelier, McCullough of Williston, Mrowicki of Putney,
6 Norris of Sheldon, and Sullivan of Dorset

7 Referred to Committee on

8 Date:

9 Subject: Municipal and county government; salvage yards; private right of
10 action

11 Statement of purpose of bill as introduced: This bill proposes to establish a
12 private right of action against unpermitted salvage yards.

13 An act relating to a private right of action against unpermitted salvage yards

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 24 V.S.A. § 2281 is amended to read:

16 § 2281. INJUNCTIVE RELIEF; OTHER REMEDIES; PRIVATE RIGHT OF

17 ACTION

18 (a) In addition to the penalty in section 2282 of this title, the legislative
19 body may seek a temporary restraining order, preliminary injunction, or
20 permanent injunction against the establishment, operation, or maintenance of a

1 salvage yard ~~which~~ that is in violation of the relevant municipal requirements
2 of this subchapter and may obtain compliance with the relevant municipal
3 requirements of this subchapter and the terms of a certificate of approved
4 location issued under this subchapter by complaint to the Environmental
5 Division for the county in which the salvage yard is located.

6 (b) In addition to the penalty in section 2282 of this title, the Agency of
7 Transportation may seek appropriate injunctive relief in the Superior Court to
8 enforce the provisions of this subchapter within its regulatory authority.

9 (c) An owner of property abutting a salvage yard shall have a private right
10 of action for damages and injunctive relief against the owner or operator of the
11 salvage yard if:

12 (1) the owner or operator of the salvage yard does not hold the
13 certificates of approval and registration required by section 2242 of this
14 title; and

15 (2) the abutting property owner shows by a preponderance of the
16 evidence that the salvage yard caused a diminution in value of the abutting
17 property owner's property.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.