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H.72

Introduced by Representative Satcowitz of Randolph

Referred to Committee on

Date:

Subject: Municipal government; regulatory provisions; miscellaneous
regulatory powers; maintenance and cleaning of premises

Statement of purpose of bill as introduced: This bill proposes to authorize municipalities to adopt an ordinance that extends State and local enforcement authority concerning scrapyards to any premises within the municipality that constitutes a public nuisance due to the accumulation of rubbish, scrap, junk, or abandoned vehicles.

An act relating to municipal ordinances governing nuisance properties containing salvage and scrap

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

Sec. 1. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

* * *

(b) The Secretary may authorize disbursements from the Solid Waste Management Assistance Account for the purpose of enhancing solid waste

1 management in the State in accordance with the adopted waste management
2 plan. This includes:

3 * * *

4 (11) Grants to municipalities for soil testing and cleanup on properties
5 foreclosed upon pursuant to 32 V.S.A. chapter 9. Grants issued pursuant to
6 this subdivision shall not exceed \$250,000.00.

7 * * *

8 Sec. 2. 24 V.S.A. § 2201 is amended to read:

9 § 2201. THROWING, DEPOSITING, BURNING, AND DUMPING

10 REFUSE; PENALTY; SUMMONS AND COMPLAINT

11 * * *

12 (b) Prosecution of violations.

13 (1) A person who violates a provision of this section commits a civil
14 violation and shall be subject to a civil penalty of not more than \$800.00.

15 (2) A person who violates a provision of this section may be required to
16 dispose of all materials improperly disposed of at a solid waste management
17 facility. Failure to comply with this subdivision shall result in a fine of not
18 more than \$100.00 per day.

19 (c) Procedure.

20 (1) This violation shall be enforceable in the Judicial Bureau pursuant to
21 the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a

1 municipal attorney, a solid waste management district attorney, an
2 environmental enforcement officer employed by the Agency of Natural
3 Resources, a designee of the legislative body of the municipality, or any duly
4 authorized law enforcement officer.

5 * * *

6 (3) Nothing in this section shall be construed as affecting the operation
7 of an automobile graveyard or salvage yard ~~as defined in section 2241 of this~~
8 ~~title~~ permitted in accordance with subchapter 10 of this chapter, nor shall
9 anything in this section be construed as prohibiting the installation and use of
10 appropriate receptacles for solid waste provided by the State or towns.

11 (4) Unpaid civil penalties or fines that are imposed pursuant to this
12 section shall constitute a lien on the property in the same manner and to the
13 same extent as taxes assessed on the grand list, and all procedures and
14 remedies for the collection of taxes shall apply to the collection of the penalties
15 or fines.

16 (e)(d) Roadside cleanup. A person found in violation of this section may
17 be assigned to spend up to 80 hours collecting trash or litter from a specified
18 segment of roadside or from a specified area of public property.

19 (d) ~~[Repealed.]~~

20 * * *

1 Sec. 3. 24 V.S.A. § 2241 is amended to read:

2 § 2241. DEFINITIONS

3 * * *

4 (16) “Unauthorized salvage yard” means any place of outdoor storage or
5 deposit for storing, keeping, processing, buying, or selling junk, as a scrap
6 metal processing facility, or as an automobile graveyard operating for more
7 than 90 days without certification as required by section 2242 of this title.

8 Sec. 4. 24 V.S.A. § 2246 is amended to read:

9 § 2246. EFFECT OF LOCAL ORDINANCES

10 (a) This subchapter shall not be construed to be in derogation of zoning
11 ordinances or ordinances for the control of salvage yards now or hereafter
12 established within the proper exercise of the police power granted to
13 municipalities, if those ordinances impose stricter limitations upon salvage
14 yards. If the limitations imposed by this subchapter are stricter, this subchapter
15 shall control.

16 (b) The legislative body of a municipality may adopt an ordinance pursuant
17 to subdivision 2291(31) of this title to extend the regulatory authority
18 established in this subchapter to any premises that constitutes a public nuisance
19 due to the accumulation of rubbish, scrap, junk, or abandoned vehicles,
20 provided that the ordinance shall otherwise be consistent with this subchapter.

1 Sec. 5. 24 V.S.A. § 2282 is amended to read:

2 § 2282. PENALTY

3 (a) A person who violates this subchapter shall be fined by the legislative
4 body not less than \$5.00 nor more than \$50.00 for each day of the violation. A
5 person who violates the requirements of this subchapter shall be fined by the
6 Agency of Natural Resources in accordance with 10 V.S.A. chapter 201.

7 (b) Unpaid civil penalties or fines that are imposed on an unauthorized
8 salvage yard premises shall constitute a lien on the property pursuant to
9 subdivision 2201(c)(4) of this title.

10 Sec. 6. 24 V.S.A. § 2291 is amended to read:

11 § 2291. ENUMERATION OF POWERS

12 For the purpose of promoting the public health, safety, welfare, and
13 convenience, a town, city, or incorporated village shall have the following
14 powers:

15 * * *

16 (31) To extend the regulation of salvage yards, pursuant to section 2246
17 of this title, to any premises that constitutes a public nuisance due to the
18 accumulation of rubbish, scrap, junk, or abandoned vehicles. The municipality
19 may determine that a premises constitutes a public nuisance when it interferes
20 with common public rights in a manner that endangers the property or the
21 health and safety of a considerable number of persons for a period of 90 days

1 or more without authorization pursuant to section 2242 of this title. The
2 legislative body may direct the property owner to clean any premises that does
3 not receive a certificate of approved location pursuant to section 2242 of this
4 title, provided that the legislative body has adopted rules to define what
5 constitutes a public nuisance in this context and includes provisions for notice
6 in accordance with 32 V.S.A. § 5252(a)(3) to the property owner prior to
7 imposing penalties or fines. Any unpaid civil penalties or fines imposed
8 pursuant to this subdivision shall constitute a lien on the property in the same
9 manner and to the same extent as taxes assessed on the grand list, and all
10 procedures and remedies for the collection of taxes shall apply to the collection
11 of those expenses.

12 Sec. 7. EFFECTIVE DATE

13 This act shall take effect on July 1, 2025.