



**Town of Proctor**

**OUTDOOR DISPLAY OR STORAGE OF  
DISCARDED ITEMS, JUNK, AND JUNK VEHICLES**

**Adopted: September 26, 2005**  
**Effective: November 25, 2005**  
**Re-adopted: July 8, 2013**  
**Effective: September 6, 2013**  
**Amended: December 10, 2018**  
**Effective: February 8, 2019**  
**Amended December 23, 2019**  
**Effective February 22, 2020**

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**TOWN OF PROCTOR  
MUNICIPAL ORDINANCE**

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Authority: 24 V.S.A. §§ 1971 et seq., 2246 and 2291

Purpose: To protect the public health, safety and wellbeing, and to promote the responsible use of resources and protection of the environment, the Selectboard of the Town of Proctor hereby adopts this ordinance to regulate outdoor display or storage of discarded items, 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" or "abutter" means any person that owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another.
- c. "Discarded items" mean and include household appliances, furniture, electronics, outdoor barbecue grills, tools and other items, left on display on one's property or at or near curbside for pickup at no cost by anyone interested in making the acquisition. Also sometimes referred to as "free stuff."
- d. "Display" means to make visible from the traveled way of a highway, or from an abutting or neighboring property.
- e. "Enforcement Officer" means any municipal official, police officer, health officer, etc. appointed by the Selectboard to enforce the provisions of this ordinance.
- f. "Highway" means any town road, street or other public way, regardless of classification.
- g. "Household appliance" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool and the like.
- h. "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.
- i. "Junkyard" means salvage yard or 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 one or more junk motor vehicles which are visible from any portion of a public highway. However, the term 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.

- j. "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 and/or uninspected for a period of 30 days from the date of discovery.
- k. "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.
- l. "Property owner" means the person holding legal title to property upon which junk or one or more junk motor vehicles is placed, discarded or abandoned.
- m. "Occupant" includes a "tenant" and means a person other than a property owner who resides upon or otherwise uses or is in possession or control of property upon which junk or one or more junk motor vehicles is placed, discarded or abandoned, whether by lease or other arrangement.
- n. "Person" means and includes an individual, or individuals, a partnership, corporation, trust or other entity or form of organization.
- o. "Traveled way" means that portion of a 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 one or more junk motor vehicles on property in a place where any such item is visible from the traveled way of a highway, or visible to an abutting property owner from a 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 one or more junk motor vehicles upon the land of another with or without the consent of the property owner, or occupant, when any such item is visible from the traveled way of a highway, or visible to an abutting property owner from a 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. It shall be unlawful for a property owner or tenant to display discarded items for more than five (5) calendar days in any 3 month period. On or before the sixth calendar day such items will be removed from display. Failure to remove such items will result in a penalty of Twenty-five dollars (\$25.00) for each day of a continuing violation.
- d. Junk Yards are specifically prohibited by the Town of Proctor Zoning Regulations.

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

- a. For a violation of ARTICLE II c., a municipal ticket will be served on the property owner and any tenant(s) by a designated enforcement officer.
- b. Upon receiving written notice from the Selectboard to do so, the property owner and/or any occupant of property upon which any junk or junk motor vehicle discovered in violation of Article II of this ordinance, and any person who placed junk or a junk motor vehicle on such property without the consent of the property owner or occupant, shall remove or screen the item(s) or vehicle(s) from the view of the of the highway. Such items shall also be screened from the view of an abutting landowner as seen from any 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 designated enforcement officer may issue the owner of the junk a municipal ticket.
- c. Additional Provisions for Junk Motor Vehicles.
  1. If the owner or occupant 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 remove and/or dispose of the vehicle upon receiving written notice from the Selectboard.
  2. If the true owner or last known registered owner of the junk motor vehicle 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.
  3. Further procedures by the state agency are specified in 24 V.S.A. § 2272.
- d. 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.
  1. A civil penalty of \$100 may be imposed for the initial violation of this civil ordinance. The penalty for the second offense within a six-month period shall be \$250, and the penalty for each subsequent offense within a six-month period shall be \$500.
  2. The waiver fee shall be set at \$50 for the first offense, \$75 for the second offense within a six-month period, and \$150 for each subsequent offense within a six-month period.
  3. 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. Municipal tickets may be contested in the Judicial Bureau.
- e. The town zoning administrator and any municipal law enforcement official shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.
- f. A violation of this ordinance may lead to Superior Court action seeking injunctive relief and civil penalties pursuant to 24 V.S.A. § 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 town Selectboard. If a petition for a vote on this ordinance is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Duly enacted and ordained this 23rd day of December, 2019 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Selectboard.

ATTESTED BY: Celia Lisananti  
Celia Lisananti, Town Clerk

12/23/19  
Date

ENACTED AND ORDAINED ON THIS 23rd DAY OF DECEMBER, 2019.

Bruce Baccei  
BRUCE BACCETI, CHAIR

Judith Frazier  
JUDITH FRAZIER

Thomas Hogan  
THOMAS HOGAN

Benjamin Curtis  
BENJAMIN CURTIS

Carrie Dougherty  
CARRIE DOUGHERTY

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on November 12, 2019.
2. Read and approved at regular Selectboard meeting on December 23, 019 and entered in the minutes of that meeting which were approved on January 13, 2020.
3. Posted in public places on December 26, 2019
  - a) Town Clerk's Office
  - b) Post Office
  - c) Library
  - d) The Market on West Street
  - e) Town Office Bulletin Board
4. Notice of adoption published in the Rutland Herald newspaper on December 27, 2019 with a notice of the right to petition.

This ordinance is available for review at the Town Clerk's Office at 45 Main Street, Proctor, VT 05765. Questions concerning this ordinance may be directed to the Town Manager, 45 Main Street, Proctor VT 05765.

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Celia Lisananti, Town Clerk

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Bruce Baccei  
BRUCE BACCEI, CHAIR

Judith Frazier  
JUDITH FRAZIER

Thomas Hogan  
THOMAS HOGAN

Benjamin Curtis  
BENJAMIN CURTIS

Carrie Dougherty  
CARRIE DOUGHERTY