



## TOWN OF MILTON, VERMONT 05468

TOWN MANAGER'S OFFICE • P.O. Box 9, MAIN STREET • 802-893-6655

### RESOLUTION FOR ADOPTION

WHEREAS, the Milton Select Board held a duly warned Public Hearing October 18, 1993 and, 1993 with regard to the revisions to the proposed Junk Yard Ordinance.

WHEREAS, the Milton Select Board met on October 18, 1993 to consider and address comments received from the Public Hearing.

NOW THEREFORE, BE IT RESOLVED, the Milton Select Board for the Town of Milton, adopts the Junk Yard Ordinance to be effective November 27, 1993.

MILTON SELECT BOARD

*James P. Conway*  
*Diana L. Palm*  
*John P. Hoyt, Jr.*  
*Michael R. Unger*

Dated at Milton, Vt. this 18th day of October, 1993  
Entered into Select Board Minutes: September 20, 1993  
Public Hearing date: October 18, 1993  
Posted October 8, 1993 and published in the Burlington Free Press  
Filed with the Town Clerk: October 19, 1993  
Effective date: November 27, 1993

ORDINANCE RELATING TO THE OPERATION, ESTABLISHMENT, AND  
MAINTENANCE OF JUNKYARDS IN THE  
TOWN OF MILTON

SECTION 1 - AUTHORITY AND PURPOSE

This ordinance is adopted pursuant to the authority granted to the Town of Milton Town Charter as enacted by the General Assembly of the State of Vermont, effective July 1, 1993, and Title 24 Vermont Statutes Annotated, Section 1971.

The purpose of this ordinance is to enhance the safety, health, peace and tranquility of the residents of the Town of Milton.

SECTION 2 - APPLICATION

This ordinance shall apply to any junkyard established, operated, or maintained partly or wholly within the Town of Milton.

SECTION 3 - CERTIFICATE AND LICENSE REQUIRED

No person, firm or organization shall establish, maintain, or operate a junkyard, as defined in Title 24 Vermont Statutes Annotated Section 2241 (7), without first obtaining the certificate and license required by Title 24 Vermont Statutes Annotated Section 2242.

SECTION 4- CRUSHING OF AUTOMOBILES

Work in connection with the crushing of automobiles shall be done only between the hours of 7:00 AM and 6:00 PM Monday through Saturday.

SECTION 5 - BURNING

No open fire for the burning of rubbish, trash, automobile parts, or other waste matter shall be permitted at any time without the prior written approval of the Chief of the Town of Milton Fire Department.

SECTION 6 - MAINTENANCE OF PROPERTY

The property shall be kept in a neat, clean, and sanitary condition insofar as reasonably possible at all times.

Fencing and screening of a junkyard shall be done in accordance with the requirements of Title 24 Vermont Statutes Annotated Section 2257.

In addition, a junkyard shall at all times comply with any rule or regulation promulgated by the Vermont Transportation Board pursuant to 24 Vermont Statutes Annotated Section 2234 and shall comply at all times with every term and condition set forth in the certificate of approval and license issued pursuant to Title 24 Vermont Statutes Annotated Section 2242.

#### SECTION 7 - NOISE

Noise in excess of 90 decibels shall be prohibited during the hours of operation of the junkyard.

#### SECTION 8 - REPEALER

If any other ordinance of the Town is in conflict with the provisions of this ordinance, the provisions of this ordinance shall be controlling with respect to junkyards.

#### SECTION 9 - SEVERABILITY OF INVALID PROVISIONS

If any provision of this ordinance shall be held to be invalid, its invalidity shall not affect any other provisions of this ordinance which can be given effect without the invalid provision, and for the purpose of this ordinance are hereby declared to be severable.

#### SECTION 10 - REMEDIES

In addition to the penalty set forth herein and any other remedy allowed by Vermont Law, the Town may seek an injunction against the establishment, operation, or maintenance of a junkyard which is, or will be, in violation of this ordinance and may obtain compliance with its orders by a petition to the Chittenden Superior Court.

#### SECTION 11 - PENALTIES

A person who violates this ordinance shall be fined in accordance with the following schedule under the authority granted in Title 24 V.S.A., Section 1974:

1. First violation of a section of this ordinance, \$100 plus \$100 per week for each week of the violation continues after written notice from the Town.

2. Second violation of the same section of this ordinance, within one year of the immediately prior violation, \$200 plus \$200 per week for each week the violation continues after written notice from the Town.
3. Third violation of the same section of this ordinance, within one year of the immediately prior violation, \$300 plus \$300 per week for each week the violation continues after written notice from the Town.
4. Fourth and subsequent violation of the same section of this ordinance, within one year of the immediately prior violation, \$500 plus \$500 per week for each week the violation continues after written notice from the Town.

#### SECTION 12 - DEFINITIONS

For purposes of this zoning ordinance, the Town "person" shall include the actual person who commits a violation and the owner or operator of a junkyard if the violation is committed by an agent, employee or independent contractor hired by the owner or operator. If the owner or operator is a corporation, the term "person" shall include any officer or shareholder who takes an active part in the operation of the junkyard.

Entered into Select Board Minutes September 20, 1993  
Date Public Hearing was published: 10-8-93, Burlington Free Press PO#506  
Date of Public Hearing: October 18, 1993  
Date adopted with amendments: October 18, 1993  
Date entire Ordinance was published: 10-29-93: Burlington Free Press PO #708  
Date posted in 4 places: October 29, 1993

