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H.4

Introduced by Representative Masland of Thetford

Referred to Committee on

Date:

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

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

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

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

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

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

(a) In addition to the penalty in section 2282 of this title, the legislative
body may seek a temporary restraining order, preliminary injunction, or
permanent injunction against the establishment, operation, or maintenance of a
salvage yard which is in violation of the relevant municipal requirements of
this subchapter and may obtain compliance with the relevant municipal
requirements of this subchapter and the terms of a certificate of approved

1 location issued under this subchapter by complaint to the Environmental
2 Division for the county in which the salvage yard is located.

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

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

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

12 (2) the abutting property owner shows by a preponderance of the
13 evidence that the salvage yard caused a diminution in value of the abutting
14 property owner's property.

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on passage.