

1 H.382

2 Introduced by Representative Satcowitz of Randolph

3 Referred to Committee on

4 Date:

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

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

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

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

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

16 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

17 \* \* \*

18 (b) The Secretary may authorize disbursements from the Solid Waste  
19 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 (8) 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)~~(9) The costs, not related directly to capital construction projects, that  
8 are incurred by a district, or a municipality that is not a member of a district, in  
9 the design and permitting of implementation programs included in the adopted  
10 Solid Waste Implementation Plan of the district or of the municipality that is  
11 not a member of a district. These disbursements shall be issued in the form of  
12 advances requiring repayment. These advances shall bear interest at an annual  
13 rate equal to the interest rate that the State pays on its bonds. These advances  
14 shall be repaid in full by the grantee not later than 24 months after the advance  
15 is awarded.

16 ~~(9)~~(10) The Secretary shall annually allocate 20 percent of the receipts  
17 of this account, based on the projected revenue for that year, for  
18 implementation of the Plan adopted pursuant to section 6604 of this title and  
19 Solid Waste Implementation Plans adopted pursuant to 24 V.S.A. § 2202a.

20 ~~(10)~~(11) The costs of the proper disposal of waste tires. Prior to  
21 disbursing funds under this subsection, the Secretary shall provide a person

1 with notice and opportunity to dispose of waste tires properly. The Secretary  
2 may condition a disbursement under this subsection on the repayment of the  
3 disbursement. If a person fails to provide repayment subject to the terms of a  
4 disbursement, the Secretary may initiate an action against the person for  
5 repayment to the Fund or may record against the property of the person a lien  
6 for the costs of cleaning up waste tires at a property.

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 (2) If the throwing, placing, or depositing was done from a snowmobile,  
6 vessel, or motor vehicle, except a motor bus, there shall be a rebuttable  
7 presumption that the throwing, placing, or depositing was done by the operator  
8 of the snowmobile, vessel, or motor vehicle.

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

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

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



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 not less than \$5.00  
4 nor more than \$50.00 for each day of the violation.

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

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

9 § 2291. ENUMERATION OF POWERS

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

13 \* \* \*

14 (30) To extend the regulation of salvage yards, pursuant to section 2246  
15 of this title, to any premises that constitutes a public nuisance due to the  
16 accumulation of rubbish, scrap, junk, or abandoned vehicles. The municipality  
17 may determine that a premises constitutes a public nuisance when it interferes  
18 with common public rights in a manner that endangers the property or the  
19 health and safety of a considerable number of persons for a period of 90 days  
20 or more without authorization pursuant to section 2242 of this title. The  
21 legislative body may direct the property owner to clean any premises that does

1 not receive a certificate of approved location pursuant to section 2242 of this  
2 title; provided that the legislative body has adopted rules to define what  
3 constitutes a public nuisance in this context and includes provisions for notice  
4 in accordance with 32 V.S.A. § 5252(a)(3) to the property owner prior to  
5 imposing penalties or fines. Any unpaid civil penalties or fines imposed  
6 pursuant to this subdivision shall constitute a lien on the property in the same  
7 manner and to the same extent as taxes assessed on the grand list, and all  
8 procedures and remedies for the collection of taxes shall apply to the collection  
9 of those expenses.

10 Sec. 7. EFFECTIVE DATE

11 This act shall take effect on July 1, 2023.