

Chapter 9 -- JUNKYARDS**Sec. 9-1. Definition.**

A "junkyard" shall include any business and any place of storage or deposit, whether in connection with another business or not, where discarded or waste materials which include one or more of the following items, i.e., old paper, rags, glass, wood, or metals any or all of which shall equal in bulk to one ton or more, two (2) or more unusable motor vehicles or parts of motor vehicles, the sum total of which parts shall equal in bulk two (2) or more motor vehicles, none of which items are considered usable for the purpose intended in their manufactured or original state, and all or part are displayed to the public view and are collected or held or kept for the purpose of using parts thereof in furtherance of anyone's business, or offered for sale in whole or in part for any purpose.

Sec. 9-2. License--Required; fee.

A person shall not establish or enlarge a junkyard or business, unless he shall first obtain approval therefor from the council. A license shall be necessary, notwithstanding the approval or lack of approval for the existence of such a business by the board of adjustment. Upon the issuance of the license, the licensee shall pay a fee to the city treasurer, and annually thereafter on the first of February of each year. The fees for the permit and annual renewal shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate change thirty (30) days prior to the effective date of the rate change. The purpose of the fees shall be for paying the cost of periodic inspection of the premises where said business is maintained, which inspection shall be done by the zoning administrator. (Ord. No. 1983-1, 1-13-83, Ord. No. 2005-1, 08-18-05)

Sec. 9-3. Same--Application procedure; hearing by council.

Upon receipt of an application for such license, the council shall assign a day for hearing thereon to be held not less than two (2) nor more than four (4) weeks from the date thereof, at some designated place in the city. Notice of hearing shall be given the applicant. Others shall be notified by publication in the Barre Daily Times or some other newspaper circulating within the city not less than seven (7) days before the date of such hearing. A license shall not be issued unless the council shall find, after such hearing, that no unreasonable depreciation of surrounding property would ensue from the establishment or enlargement of such junkyard or business, and that in their judgement the best interest of the community requires the operation of such junkyard or business at the location designated. In awarding such license the council shall take into account applicable zoning laws, the proximity of schools, churches, or other places of public gathering, sufficiency in number of other similar places in the city, and the suitability of the applicant to receive such license. Each applicant shall pay the cost of publication and expenses of such hearing to the treasurer of the municipality upon receipt of notice of the total cost.

Sec. 9-4. Appeals.

Any person aggrieved by the action taken by the council may appeal to the county court

in the same manner as is provided for appeals from the decision of selectmen in laying out and discontinuing highways. Upon such appeal the court shall make such order in relation to the action appealed from as it may deem equitable.

Sec. 9-5. Violation; penalty.

A person who violates any provision of this ordinance shall be fined not more than one hundred dollars (\$100.00) and not less than ten dollars (\$10.00).