

**City of Barre**

**Chapter 21 – REGULATIONS OF VEHICLES PERMITTED ON PRIVATE PROPERTY  
#2020-03**

The City Council of the City of Barre, Vermont will hold a second reading and public hearing on Tuesday, June 30, 2020 at 7:20 P.M. in the City Council Chambers to discuss the following revision to the Code of Ordinances, Chapter 21 – Regulations of Vehicles Permitted on Private Property, as follows:

The City Council of the City of Barre hereby ordains that the Code of Ordinances of the City of Barre, Vermont is hereby amended by revising Chapter 21 – Regulations of Vehicles Permitted on Private Property, as follows:

Note: **Bold/Underline indicates additions**  
~~[brackets/Strikeout indicates deletions]~~

**Chapter 21 – REGULATIONS OF VEHICLES PERMITTED ON PRIVATE PROPERTY**

**Sec. 21-1. Authority.**

Under authority granted in 24 V.S.A. [~~Chapter 123~~] **§2291** and the City Council of the City of Barre hereby ordains the following civil ordinance regulating vehicles permitted on private property.

**Sec. 21-2. Purpose.**

The purpose of this ordinance is to protect, preserve and promote the health, safety, and welfare of all citizens of the City of Barre through establishment of enforceable standards for storage of vehicles. The intent of this ordinance is to establish minimum standards for safe and reasonable storage of vehicles on private property.

**Sec. 21-3. Definitions.**

For the purposes of this chapter, the following words shall have the meanings indicated:

- a. **Hazard-free condition:** A condition which shall include, but not be limited to, the following:
  1. Vehicles stored with tires in place [~~, or with adequate blocks under the vehicle frame~~].
  2. Vehicles stored without any leaking gas or without any other leaking automotive fluids.
  3. Vehicles without any exposed sharp metal or glass edges.
  4. Vehicles not used for storage of waste or refuse as defined elsewhere in the Code of

Ordinances of the City of Barre.

b. **Car Cover:** A cover manufactured for the sole purpose of covering a vehicle.

c. **Junk Motor Vehicle:** means an unusable, undrivable, discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts; a motor vehicle other than an on premise utility vehicle which is allowed to remain unregistered or uninspected for a period of 90 days. It also means a camping unit not placed for storage, not connected to the city water/sewer system and does not meet the standards found in the Barre City Unified Development Ordinance for Camping as an Accessory Use.

d. **Vacant Parcel:** A parcel of land without any buildings on the parcel.

e. **Motor Vehicle:** [A motor vehicle as defined by the Vermont State Motor Vehicle Code, V.S.A. 23.]means any drivable and usable vehicle or conveyance propelled or drawn by power other than muscular power, including trailers, used to transport people, animals, good or materials. Functional vehicles and equipment used for construction operations are excluded from this definition. See also 24 V.S.A. §4.

f. **Unregistered:** means any usable motor vehicle that does not have, or has an expired State of Vermont Department of Motor Vehicles registration sticker.

g. **Uninspectable:** means any unusable motor vehicle which cannot properly registered with the Department of Motor Vehicles.

h. **Uninspected:** means any usable motor vehicle that has an expired, out of date Vermont Department of Motor Vehicles registration sticker.

**Sec. 21-4. Regulations of vehicles permitted on private property.**

All motor vehicles, as defined by the Vermont State Motor Vehicle Code, V.S.A. 23, on private property shall be registered and inspectable. **One (1) motor** [A-]vehicle that is either, **or both** unregistered or uninspected **is allowed on private property**[able, or a vehicle that is both unregistered and uninspectable,]**and** may be stored **outdoors** subject to the following conditions:

a. Motor vehicles of any condition may be stored inside an enclosed building.

~~b. [One vehicle that is either unregistered or uninspectable, or one vehicle that is both unregistered and uninspectable per property shall be permitted to be stored outside with the following conditions:]~~

~~1. The property is not a vacant parcel.~~

c. The **motor** vehicle is stored in a hazard-free condition.

2. d. The motor vehicle is not on jacks or blocks, or missing complete body parts.

3. e. The vehicle is covered with a car cover if the vehicle lacks any exterior body parts.

4. f. The property owner has granted written permission for the vehicle to be stored on the

5. property, and can produce a copy of the written permission upon request by the enforcement officer.

ge. One additional vehicle that is either, or both unregistered or uninspected ~~able, or one additional vehicle that is both unregistered and uninspectable~~ per property shall be permitted to be stored temporarily outside with the following conditions:

1. The property is not a vacant parcel.

2. The vehicle is stored in a hazard-free condition.

3. The vehicle is covered with a car cover if the vehicle lacks any exterior body parts.

4. The property owner has granted written permission for the vehicle to be stored on the property.

5. The vehicle is stored for not more than three months.

6. A three-month Motor Vehicle Storage Permit is obtained from the City of Barre for the additional motor vehicle. No more than two three-month vehicle storage permits may be obtained during any twelve (12) month period for any one property.

hd. Within a ~~junkyard~~ Salvage Yard, as defined by Chapter 9 Salvage Yard Ordinance, any junk motor vehicle, including any uninspectable motor vehicle on the property is subject to such Ordinance ~~the Barre City Zoning Ordinance, motor vehicles are permitted to be stored in accordance with the City of Barre and State of Vermont junkyard regulations and in accordance with any conditions made part of the approval by the City and/or State~~.

i. If two (2) or more unusable, motor vehicles are either or both unregistered or uninspected for at least twelve (12) months, visible from any portion of a traveled way, and does not hold any Storage Permit shall be considered a Salvage Yard and subject to Chapter 9 Salvage Yard Ordinance requirements, penalties and enforcement.

je. Unregistered and/or ~~uninspectable~~ uninspected motor vehicles located on the property of a motor vehicle repair facility, motor vehicle maintenance facility, auto body shop, auto detail shop, gasoline sales/automotive repair or a vehicle sales/service, as such used are defined by the Barre City Zoning Ordinance, are permitted to be stored for not more than ninety (90) days.

- kf. One **motor** vehicle that is either, **or both** unregistered or uninspected~~able, or one vehicle that is both unregistered or uninspectable,~~ is permitted to be sold on a vacant parcel when:
1. The vehicle is not for sale for more than six months.
  2. The property owner has granted written permission for the **motor** vehicle to be stored and sold on the vacant parcel, **and can produce a copy of the written permission upon request by the enforcement officer.**
  3. The **motor** vehicle is stored in a hazard-free condition.
  4. No more than two **such motor** vehicles [~~per year~~] are sold on the vacant lot **in any 365 consecutive days.**
- lg. Storage trailers, as defined by the Vermont Motor Vehicle Code, V.S.A. 23, are permitted when they are an accessory use to a commercial business located in the **Mixed Use District 3 (MU-3), Urban Core Districts 2 and 3 (UC-2, UC-3) and the Industrial** [~~Commercial, Commercial/Industrial~~] zones as delineated by the Barre City [~~Zoning~~]-**Unified Development** Ordinance.

#### Sec. 21-5. Fees.

The fee for storage permits shall be established by resolution of City Council.

#### Sec. 21-6. **Enforcement; Penalties.**

A violation of this ordinance shall be a civil matter and subject to penalties in accordance with the provisions of Title 24, V.S.A., Sec. 1974a and 1977.

#### **For the purpose of this ordinance, the property owner shall be considered the violator.**

- a. ~~For the purpose of this ordinance, violators of this ordinance shall be considered the last known owner of vehicle~~**property owner where the motor vehicle(s) is improperly stored. The property owner shall also be considered the violator if the property owner does not grant permission for the enforcement officer to enter onto a property for the sole purpose of inspecting and determining ownership of a possible illegally stored vehicle.**
- b. **Such notice shall be served as a written “Notice of Violation” to any person believed to be in violation of any provision of this Ordinance, and shall be recorded in the municipal land records.**
  1. **Such Notice shall provide 30 days for removal of improperly stored motor vehicles; it shall list a compliance date for which the violation shall be cured. No fines or penalties shall be levied if the violation is corrected during this 30-day period to the satisfaction of the enforcement officer.**

2. The written warning shall be hand delivered or mailed by US First Class Mail, return receipt to the listed owner of the property. If the Notice cannot be delivered or return receipt is rejected, the Notice shall be posted in a conspicuous place on the property.
3. When a Notice of Violation is cured to the satisfaction of the enforcement officer, the officer shall record an order of removal or cancellation in the municipal land records.
- c. If, after the expiration of the above 30-day notice period to remove an improperly stored motor vehicle, and the violator has not complied with the Notice to the satisfaction of the violation of this ordinance, a Municipal Complaint shall be issued and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24, V.S.A., Sec. 1974a and 1977 as prescribed below.

  1. First offense. A first offense of this ordinance shall be punishable by a fine of \$150.00. The waiver fine shall be \$100.00
  2. Second and subsequent offenses. Any second offense of the same provision of the bylaws within a 12-month period shall be punishable by a fine of \$250.00. The waiver fine shall be \$200.00.
  3. Each subsequent offense shall be deemed a civil violation and shall be punishable by a fine of \$500. The waiver fine shall be \$400.
  4. Each day that a violation continues after the initial seven (7) days' notice shall constitute a separate offense.
  5. The Enforcement Officer may notify the City Attorney of the violations, who may then take action in Superior Court seeking injunctive relief with penalties as prescribed by law.
  6. For the purposes of enforcement in the Judicial Bureau, the City's Code Enforcement Office shall be designated at the enforcement officer(s), and shall issue tickets any may be the appearing officer at any hearing.
- d. If, after 60 days from the date of the Notice of Violation, the violation remains, the City of Barre or its designee shall undertake removal of the improperly stored vehicle(s) with cost of removal and or storage to be levied as an additional fine against violator.
- e. An appeal of a Notice of Violation can be done by sending a written notice from the violator to the Chief Inspector, along with any documentation chosen to be sent.

  1. Written notice of appeal shall be submitted to the Chief Inspector within ten (10) business days of the date of the Notice of Violation.

**2. The Chief Inspector shall review the appeal and all related documentation and make a written determination within twenty (20) business days of receipt of an appeal;**

**3. Any person aggrieved by any decision of the Chief Inspector may appeal a decision by instituting relief in Superior Court under V.R.C.P. 74.**

~~a. For the purpose of this ordinance, violators of this ordinance shall be considered the last known owner of vehicle. The property owner shall be considered the violator if the property owner does not grant permission for the enforcement officer to enter onto a property for the sole purpose of inspecting and determining ownership of a possible illegally stored vehicle.~~

~~b. [When a vehicle is illegally stored the enforcement officer shall issue a written "Notice of Violation" to any person believed to be in violation of any provision of these regulations and shall provide seven days for removal of the illegally stored vehicle. No fines or penalties shall be levied if the violation is corrected during this seven day period. The written warning may be hand delivered or mailed by US First Class Mail to the last known registered owner of said vehicle or in the case of refusal to allow inspection to the listed owner of the property.~~

~~c. After the expiration of the above seven day notice period to remove an illegally stored vehicle, violation of this ordinance shall be punishable by a fine of \$50.00 per day not to exceed \$250.00, with a waiver fee of \$25.00 per day not to exceed \$125.00. If, after twelve days from the date of the notice of violation, the violation remains, the City of Barre or its designee shall undertake removal of the vehicle with cost of removal and storage to be levied as an additional fine against violator.~~

~~d. When an owner does not grant permission for the enforcement officer to enter onto a property in order to determine vehicle ownership, the enforcement officer shall issue a written "Notice of Violation", as outlined in part 2 of this section, to the owner and shall provide seven days for the owner to grant permission to the enforcement officer to enter onto said property. No fines or penalties shall be levied if permission is granted to enter onto the property during this seven day period.~~

~~e. After the expiration of the above seven day notice period to grant permission to the enforcement officer to enter onto a property in order to determine vehicle ownership, violation of this ordinance shall be punishable by a fine of \$50.00 per day, with a waiver fee of \$25.00 per day, not to expire until the owner grants permission for the enforcement officer to enter onto said property.~~

**Sec. 21-7. Enforcement.**

The City Manager, Building Inspector, Code Enforcement Officer, or any certified Vermont Law

~~Enforcement officer shall be the designated enforcement officers of this ordinance. They shall issue complaints and may be appearing officers at any hearing.]~~

**Sec. 21-87. Severability.**

If any section of this ordinance is held **by a court of competent jurisdiction** to be invalid~~[by a court of competent jurisdiction]~~, such finding shall not invalidate any other part of this ordinance.

**Sec. 21-98. Effective Date.**

This ordinance shall become effective ~~twenty-fourteen~~ **fourteen** (20**14**) days after its adoption by the Barre City Council **after the adoption (by a majority vote of the City Council) and shall remain in effect until repealed or amended, in accordance with the Barre City Charter (sec. 107 and 108)**~~[and publication in the Times Argus. If a petition is filed under 24 V.S.A. 1973, the taking effect of this ordinance shall be governed by that statute.]~~. (Ord. No. 2004-2, 11-21-04)

**ADOPTION HISTORY**

- First Reading at regular City Council meeting held on Tuesday, June 2, 2020. Second Reading and Public Hearing set by Council for Tuesday, June 30, 2020.
- Summary of proposed language printed in Times Argus newspaper on Saturday, June 27, 2020.
- Second Reading and Public Hearing held on Tuesday, June 30, 2020. Adopted at regular City Council meeting held on \_\_\_\_\_ and entered in the minutes of that meeting which are approved on \_\_\_\_\_.
- Posted in public places on \_\_\_\_\_.
- Notice of adoption published in the Times Argus newspaper on \_\_\_\_\_.
- Effective \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Carolyn S. Dawes  
*City Clerk/Treasurer*