



ARTICLE I. PURPOSE

The purpose of this chapter is to protect the health, safety and welfare of the residents of and visitors to the City of Winooski pursuant to the authority contained in the Winooski City Charter and 24 VSA § 2291.

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ARTICLE III. GENERAL REGULATIONS

SECTION 2.01. DEFINITIONS

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

ABANDONED MOTOR VEHICLE shall mean any motor vehicle, boat, RV (recreational vehicle, trailer, motorcycle), which is found to be unattended for a period of more than five (5) days.

JUNKED MOTOR VEHICLE shall mean a discarded, inoperative, junked or dismantled (wholly or partially), wrecked, scrapped or ruined motor vehicle, or parts thereof, or one other than an on-premise utility vehicle. Any motor vehicle which is not inspected pursuant to 23 V.S.A. §1222 (or the analogous law of any other jurisdiction) shall be considered a junked motor vehicle.

MOTOR VEHICLE shall include all vehicles propelled or drawn by power other than muscular power, except farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, or electric personal assistive mobility devices.

PRIVATE PROPERTY shall mean any real property within the city which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY shall mean any street or highway and shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

SECTION 2.02. STORING, PARKING OR LEAVING DISMANTLED, UNREGISTERED OR UNINSPECTED MOTOR VEHICLES PROHIBITED; DECLARED A NUISANCE; EXCEPTIONS

- A. No person shall park, store, leave or permit the parking, storing or leaving of an abandoned or junked motor vehicle, whether attended or not, upon any public or private property within the city for a period of time in excess of five (5) days. The presence of an abandoned or junked motor vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city, and properly operated in the appropriate business zone, pursuant to the zoning laws of the city.
- B. Motor vehicles that are neither registered nor inspected shall not be stored on any unpaved portion of a residence's front yard, or any portion of a yard that is clearly visible to a public road. Violation of this section will result in a fine of \$50.00 to the vehicle owner for each day the violation exists. If, after (5) five days of proper notice to the vehicle owner the violation remains, the city or its designee shall undertake removal of the vehicle with the cost of removal to be levied against the vehicle owner.

SECTION 2.03. NOTICE TO REMOVE

- A. Any duly appointed law enforcement officer or code enforcement officer may remove any abandoned or junked motor vehicle found upon any public property within the city. Notice of removal shall be placed upon the abandoned or junked motor vehicle no less than five (5) days prior to removal. The removal of an abandoned or junked motor vehicle from public property will not be subject to the notification provisions of section 2.10.
- B. Any vehicle removed from public property by a law enforcement officer or code enforcement officer pursuant to this section shall be subject to the provisions of sections 2.11 and 2.12.

SECTION 2.04. MANNER OF GIVING NOTICE TO REMOVE FROM PRIVATE PROPERTY

The code enforcement officer shall give notice of removal to the owner of any abandoned or junked motor vehicle, and notice to the owner or occupant of the private property where it is located, at least five (5) days prior to action by the city to remove said vehicle. The cost of removal of the vehicle will be the responsibility of the vehicle owner or occupant/owner of the property where it is located. It shall constitute sufficient notice, when a copy of the same is posted in a conspicuous place upon private property on which the vehicle is located and duplicate copies are sent by 1st class mail to the owner of the abandoned or junked motor vehicle and to the owner or occupant of the private property at his/her last known address.

SECTION 2.05. CONTENT OF NOTICE TO REMOVE

The notice to remove required by section 2.04. of this article shall contain the request for removal within the time specified in this article, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

SECTION 2.06. RESPONSIBILITY FOR REMOVAL

Upon proper notice and opportunity to be heard, the owner of the abandoned or junked motor vehicle, and the owner or occupant of the private property on which the same is located shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where the same is located, shall be liable for the expenses incurred.

SECTION 2.07. REQUEST FOR HEARING; REMOVAL FROM PRIVATE PROPERTY

The persons to whom the notice to remove abandoned or junked motor vehicles from private property are directed, pursuant to this article, or their duly authorized agents may file a written request for a hearing before the city council within the five (5) day period of compliance prescribed in section 2.04 for the purpose of defending the charges by the city.

SECTION 2.08. PROCEDURE FOR HEARING

The hearing authorized by this article shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least seven (7) days in advance thereof. At any such hearing, the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 2.09. REMOVAL OF MOTOR VEHICLE FROM PRIVATE PROPERTY

If the violation described in the notice required by this article has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the city council, the code enforcement officer or designee, shall have the right to take possession of the abandoned or junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

SECTION 2.10. NOTICE OF REMOVAL BY CITY

Within forty-eight (48) hours of the removal of a vehicle pursuant to this chapter, the code enforcement officer shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle has been removed and stored for violation of this chapter. The notice shall give the location of where the vehicle is stored, the costs incurred by the city for removal and a statement that the city intends to dispose of said vehicle in accordance with the provisions of this chapter unless it is redeemed.

SECTION 2.11. DISPOSITION OF VEHICLES

- A. Upon removing a vehicle under the provisions of section 2.09, the city shall after ten (10) days cause it to be appraised. If the vehicle is appraised at five hundred dollars (\$500.00) or less, the code enforcement officer shall execute an affidavit so attesting and describing the vehicle, including the license plates, vehicle identification number, if any, and stating the location and appraised value of the vehicle. The code enforcement officer, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over five hundred dollars (\$500.00) the code enforcement officer shall give notice of public sale not less than seven (7) days before the date of the proposed sale.
- B. The notice of sale given pursuant to subsection (a) shall state:
 - 1. That sale is of property seized under the provisions of this article and in the possession of the city;
 - 2. A description of the vehicle, including the make, model, license number and any other information which will accurately identify the vehicle;
 - 3. The terms of the sale; and
 - 4. The date, time and place of the sale.

- C. The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the code enforcement officer shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser and the copy thereof to be filed with the clerk of the city. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price.

SECTION 2.12. REDEMPTION OF SEIZED VEHICLES

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the city the actual expense of removal, and any preliminary sale advertising expenses, plus reasonable storage fees per day for storage for each vehicle redeemed.

SECTION 2.13. LIABILITY OF OWNER OR OCCUPANT

The owner or occupant of property on which abandoned vehicles have been removed by the city shall pay to the city the expenses incurred by the city in such removal.

ARTICLE IV. PENALTIES

Any person who interferes with the lawful authority of the city, or its agents, granted under this chapter, shall be subject to criminal penalties and such penalties shall be enforced as provided for in Chapter 1, Section 1.11 of the Winooski City Code.

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