Town of Wheelock
ORDINANCE REGULATING DISPOSAL OF SOLID WASTE AND OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES
July 21, 2026

SECTION 1. AUTHORITY. This Ordinance is adopted by the Selectboard of the Town of Wheelock. ("Town") under the authority granted in 23 V.S.A. § 2157; 24 V.S.A. § 1971, § 2291(12) - (15), and§ 2246; and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this Ordinance is to regulate the disposal of solid waste, the location and outdoor storage of junk, junk vehicles, abandoned motor vehicles, and salvage yards in the Town in order to protect the public health, safety, and well-being of the public and to protect their environment.

SECTION 3. DEFINITIONS. For purposes of this Ordinance, the following words and/or phrases will be defined as follows:

A. "Abandoned motor vehicle" means a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for more than 48 hours, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicles does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.

B. "Abutting property owner" means any person who owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another.

C. "Automobile graveyard" means a yard, field, or other outdoor area on a property owned or controlled by a person and used or maintained for storing or depositing four or more junk motor vehicles.

D. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters.

E. "Enforcement Officer" means any Selectboard member, Wheelock Constable, appointed by the Selectboard to enforce the provisions of this Ordinance, or a police officer.

F. "Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained

gaseous, or semi-solid form, including those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat, or other means, which in the judgment of the Secretary may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the State. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.

G. "Highway" means any highway as defined in 19 V.S.A. § 1(12). For purposes of this Ordinance, this definition also includes municipal trails as defined in 19 V.S.A. § 301.

H. "Open Burning" relates to 10 V.S.A. S 2645. Under Vermont Air Pollution Regulations, the open burning of natural wood and yard waste from property maintenance, property clearing, and so forth is allowed without a permit from the Air Quality and Climate Division. Open burning of trash is never allowed in Vermont. The burning of garbage, tires, rubber, plastic, waste oil, asphalt materials, asbestos, pressure-treated wood, and plywood are all prohibited. A permit is required. Please contact Sheffield-Wheelock Fire Department Sheffieldwheelockfire@gmail.com.

The highest ranking fire department official on hand has the authority to extinguish an illegal burn per 20 V.S.A. §2673, and per 24 V.S.A. §2201, local police can respond to illegal burning complaints. If local officials are unable to respond to an open burn incident involving the burning of prohibited items, you can submit a complaint directly to the DEC Environmental Compliance Division via their online complaint form or call (802) 828-1254.

I. "Junk" means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material including, but not limited to, rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof.

J. "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days from the date of discovery.

K. "Main traveled way" means the portion of a highway designed for the movement of motor vehicles, shoulders, auxiliary lanes, and roadside picnic, parking, rest, and observation areas and other areas immediately adjacent and contiguous to the traveled portion of the highway designated as a roadside area for the use of highway users and generally but not necessarily located within the highway right-of-way.

L. “Motor vehicle” means any vehicle propelled or drawn by power other than muscular power, including trailers.

M. “Notice” means written notice mailed by certified mail with return receipt requested or hand-delivered with signature proof of receipt

N. “Person” means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont, or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.

O. “Salvage yard” means any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility. “Salvage yard” also means any outdoor area used for operation of an automobile graveyard as defined. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

P. “Secretary” means the Secretary of Natural Resources or the Secretary’s designee.

Q. “Solid waste” means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility; and other discarded material, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operation and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges that are point sources subject to permits under the Vermont Water Pollution Control Act, chapter 47 of title 10. For the purpose of this Ordinance, solid waste also includes marketable recyclables.

R. “Solid waste order” means a directive issued by the Selectboard directing the respondent to take actions necessary to achieve compliance with this Ordinance, abate hazards created as a result of noncompliance, or restore the environment to the condition existing before the violation and may include a civil penalty of not more than $800.00 for each violation and in the case of a continuing violation, not more than $100.00 for each succeeding day.

S. “Waste” means a material that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

SECTION 4. REQUIREMENTS.

A. Hazardous Waste. It is a violation of this Ordinance to dispose of any hazardous waste without first obtaining certification from the Secretary for such facility, site or activity.

B. Solid (non-hazardous) Waste. It is a violation of this Ordinance to dump, deposit, throw or leave solid waste, or to cause or permit the dumping, depositing, placing or leaving of solid waste on any public or private property or into any waters in the Town, except as follows:

1. The composting of organic material if authorized by the Vermont Solid Waste Management Rules provided no nuisance is caused;

2. The disposal of solid waste in a privately owned or maintained waste container with the express consent of the owner of the container;

3. The disposal of solid waste in a publicly-owned or maintained waste container in a public building, or on public grounds provided such solid waste was created or originated in the public building or on its grounds or generated during the use of said public building, or on such grounds; or

4. The disposal of other materials as approved by the Vermont Department of Environmental Conservation, the Selectboard, and the Northeast Kingdom Solid Waste Management District.

C. Solid Waste Storage Containers**.** The occupants and/or owners of all properties must place or cause to be placed all solid waste and recyclable material in suitable enclosed containers and may not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers.

D. Accumulation or depositing of solid waste or recyclable materials on properties constitutes a violation of this Ordinance.

E. Junk and Junk Vehicles**.** It is a violation of this Ordinance to place, dispose, discard, or abandon junk or junk vehicles in a place where any such item is visible from the main traveled way of a highway or visible from an abutting property owner's land. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance and a violation of this Ordinance.

F. All places of outdoor storage of junk and junk vehicles must be effectively screened from public view by a fence or vegetation at least [*insert number*] feet high. Any fence must be of sound construction, of solid vertical board or stockade type construction, and must be maintained neatly and in good repair. Such a fence may not be used for advertising signs or other displays which are visible from the main traveled way of a highway. Any vegetation used for screening must be of sufficient density to effectively screen the area from view. Failure to provide screening as required herein is a violation of this Ordinance.

G. Salvage Yards.

1. Location**.** No person may establish or initiate operation of a salvage yard after July 1,

2009, within 100 feet of the nearest edge of the right-of-way of a public highway or within 100 feet of navigable water, as that term is defined in 10 V.S.A. § 1422.

2. Screening Required. All salvage yards must be effectively screened from public view by a fence or vegetation at least 8 feet high. Any fence must be of sound construction, of solid vertical board or stockade type construction, and must be maintained neatly and in good repair. Such a fence may not be used for advertising signs or other displays which are visible from the main traveled way of a highway. Any vegetation used for screening must be of sufficient density to effectively screen the area from view. Failure to provide screening as required herein will be considered a violation of this Ordinance.

3. Permits Required. It is a violation of this Ordinance for a landowner within the Town to own or operate or allow the operation of a salvage yard on land within the Town unless it is being operated in compliance with 24 V.S.A. Chapter 61 and this Ordinance. Any salvage yard operating without the necessary permit and approvals as herein specified is declared to be a public nuisance and a violation of this Ordinance.

   A person who wishes to operate a salvage yard within the Town is required to obtain a certificate of approval for the location of the salvage yard from the Selectboard and obtain a certificate of registration issued by the Secretary to operate, establish, or maintain a salvage yard pursuant to 24 V.S.A. §§ 2241 et seq.
4. Local Certificate of Approved Location. Application for a certificate of approved location must be made in writing to the Selectboard. The application must contain a description of the land to be included within the salvage yard, which description must be by reference to so-called permanent boundary markers. The certificate of approved location is valid for 5 years. The conditions and procedures to be followed after an application has been made are those specified in 24 V.S.A. §§ 2251-2257, as from time to time amended.

SECTION 5. ENFORCEMENT AND PENALTIES.

A. Violation of Screening Requirements.
   1. Upon receiving written notice from the Selectboard to do so, the owner of any junk, junk motor vehicle, or abandoned motor vehicle discovered in violation of Section 4 of this Ordinance, and/or the owner of the property on which the junk, junk motor vehicle, or abandoned vehicle is located, must remove any such items or vehicles from the property or screen the item(s) or vehicle(s) from the view of the main traveled way of the highway. If the owner of the junk or junk motor vehicle(s) does not remove or screen the items from view within 30 days from the date of mailing of the written notice by the Selectboard, the Selectboard may notify the appropriate state agencies. Failure to remove or screen the items from view within 30 days from the date of mailing of the written notice by the Selectboard is a violation of this Ordinance.

   2. If the owner of the land on which a junk motor vehicle is discovered in violation of

Section 4 of this Ordinance does not hold title or disclaims title to the vehicle, and the true owner of the vehicle is known or can be ascertained, the true owner must move, screen, or dispose of the vehicle upon receiving written notice from the Enforcement Officer.

B. Abandoned Motor Vehicles.

1. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property and may contract a towing service for removal of such motor vehicle, based upon personal observation by the officer that the vehicle is abandoned.

2. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property and may contact a towing service for removal from private property of such vehicle, based upon complaint from the owner or agent of the property on which the vehicle is located that the vehicle is abandoned.

3. An owner or agent of an owner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property and may contact a towing service for removal from that property of an abandoned vehicle. If an owner or agent of an owner removes or causes removal of an abandoned motor vehicle, the owner or agent must immediately notify the Vermont State Police from which the vehicle is removed. Notification must include identification of the registration plate number, the vehicle identification number, make, model, and color of the vehicle. The owner or agent of an owner of property upon which a motor vehicle is abandoned may remove the vehicle from the place where it is discovered to any other place on any property owned by them or cause the vehicle to be removed by a towing service without any civil liability to the owner of the abandoned vehicle.

C. **Other violations.** Any other violation of this Ordinance will be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Caledonia County Superior Court, at the election of the Selectboard.

1. Violations enforced in the Judicial Bureau will be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer has the authority to issue tickets and represent the Town at any hearing.

2. The Selectboard is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

First offense	$100 full penalty / $50 waiver penalty
Second offense	$200 full penalty / $100 waiver penalty
Third offense	$400 full penalty / $200 waiver penalty

Subsequent offense $800 full penalty / $400 waiver penalty

3. The Selectboard is authorized to recover a waiver fee in lieu of a civil penalty, in the stated amount, from any person who declines to contest a municipal complaint and pay the waiver fee.

4. Each day that a violation continues constitutes a separate violation of this Ordinance.

5. Determining the sequences of offenses for violations of this Ordinance will be as follows: a subsequent violation that is identical to, and that occurs within 2 months of, a previous violation will be considered a higher offense (i.e., second, third, or subsequent offense). Any subsequent identical violation that occurs after 3 months of a previous identical violation will be considered a new first offense.

6. Violations enforced in the Superior Court will be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

D. Solid Waste Order and Enforcement. For any violations of this Ordinance not including salvage yards, or screening requirements, the Selectboard may also use the procedures set forth in 24 V.S.A. Chapter 61, Subchapter 12 to issue a solid waste order to enforce any of the provisions of this Ordinance. Such order may include civil penalties for each violation and, in the case of a continuing violation, a penalty for each succeeding day.

1. The Selectboard may seek enforcement of a final solid waste order in the Superior Court or before the Environmental Division. If a penalty is imposed and the respondent fails to pay the penalty within the time prescribed, the Selectboard may bring a collection action in the Superior Court.

2. Imposition of a penalty by the Town through a solid waste order under 24 V.S.A. Chapter 61, Subchapter 12 precludes imposition by the Town of any other administrative or civil penalty under any other provision of law for the same violation.

SECTION 6. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. SEVERABILITY. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this Ordinance. If any statute referred to in this Ordinance is amended, this Ordinance will be deemed to refer to such amended statute.

SECTION 8. EFFECTIVE DATE. This Ordinance will become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute will govern

the taking effect of this Ordinance.

Adopted this 21st day of July 2026.

Selectboard for the Town of Wheelock

_____

_____

_____ Date _____

Adoption History

1. A prior ordinance was adopted by the Selectboard on April 8, 2004. The requirements for a waiting period, notices in public places and newspaper were completed and there were no other actions [petitions, etc.]
2. Agenda item at Selectboard meeting held on July 21, 2026.
3. Read and approved at Selectboard meeting on July 21, 2026 and entered in the minutes of that meeting.
4. Posted in public places on _____.
5. Notice of adoption published in the _____newspaper on _____with a notice of the right to petition.
6. Other actions [*petitions, etc.]*