

# **Bond Case Briefs**

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## **ZONING & PLANNING - NEW HAMPSHIRE**

### **Town of Lincoln v. Chenard**

**Supreme Court of New Hampshire - January 19, 2022 - A.3d - 2022 WL 166066**

Town brought action against property owner, seeking injunctive relief stemming from owner's alleged operation of junk yard.

The Superior Court entered judgment in favor of town in part but denied town's request for costs and attorney's fees. Owner appealed and town cross-appealed.

The Supreme Court held that:

- A "place," under provision of junk-yard statute defining a junk yard, as would require license, as a place used for "storing and keeping" or "storing and selling" or "otherwise transferring" the items enumerated in the statute, need not be a place of business but rather may be any place used for purposes enumerated in statute;
- Evidence was sufficient to support finding that property owner's four properties were collectively a "place" that could constitute a junk yard pursuant to statute; and
- Properties did not constitute a "junk yard" under ordinance.

Property owner's use of his four neighboring properties to store personal belongings did not render properties a "junk yard" pursuant to town ordinance, which did not define term; ordinance regulated junk yards as an industrial use, which plainly did not include storage of personal belongings.