

ORDINANCE 1-2012

SECTION I TITLE AND PURPOSE

The title of this ordinance is the Town of Warner Junked Vehicle Ordinance. The purpose of this ordinance is for the Town of Warner to regulate by permit and penalty the storing of certain junked vehicles in the Town of Warner.

SECTION II - AUTHORITY

The Town Board of the Town of Warner has the specific authority under s.175.25, Wis. stats., and general authority under its village powers under s.60.22, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of storage of certain junked vehicles in the town.

Section IV - DEFINITIONS

A "Junked vehicle" means any inoperable, ruined, dismantled, or `wrecked vehicle, in whole or in part, including any vehicle in the possession of a motor vehicle salvage dealer for wrecking, processing, scrapping, recycling, or dismantling purposes. For purposes of this ordinance, a motor vehicle is rebuttably presumed to be inoperable if it is not moved for a period of 30 days consecutive days. Demonstrating to the town board or its representative that the motor vehicle can be moved from its location under its own power conclusively rebuts the presumption.

B. "Junked vehicle parts" means parts from a junked vehicle.

C. "Motor vehicle," except when included in the terms "motor vehicle dealer" or "motor vehicle salvage dealer," means a vehicle that was, at the time of its manufacture, self-propelled.

D. "Motor vehicle dealer" has the meaning given in s. 218.0101 (23), Wis. stats.

E. "Motor vehicle salvage dealer" means a person who purchases and resells vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who carries on or conducts the business of wrecking, processing, scrapping, or dismantling motor vehicles or selling parts of motor vehicles so processed, including a motor vehicle salvage dealer who sells no vehicles or vehicle parts and whose business is limited to a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.

F. "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.

G. "Town" means the Town of Warner, Clark County, Wisconsin. "Town board" means the board of supervisors for the Town of Warner, Clark County, Wisconsin, and includes designees of the board authorized to act for the board.

I. "Town clerk" means the clerk of the Town of Warner, Clark County, Wisconsin.

J. "Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:

1. "Aircraft" as defined in s. 29.001 (16), Wis. stats.
2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. Stats.
3. "Antique vehicles" as described in s. 341.265, Wis. stats.
4. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
5. "Boats" as defined in s. 29.001 (16), Wis. stats.
6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
9. "Hobbyist or homemade vehicles" as defined in s. 341.268, Wis. stats.
10. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.
11. "Implements of husbandry" as defined in s. 340.01 (24), Wis. stats.
12. "Manufactured homes" as defined in s. 101.91 (2), Wis. stats.
13. "Mobile homes" as defined in s. 340.01 (29), Wis. stats.
14. "Mopeds" as defined in s. 340.01 (29m), Wis. stats.
15. "Motor bicycles" as defined in s. 340.01 (32), Wis. stats.
16. "Motor buses" as defined in s. 340.01 (31), Wis. stats.
17. "Motor homes" as defined in s. 340.01 (33m), Wis. stats.
18. "Motor trucks" as defined in s. 340.01 (34), Wis. stats.
19. "Motorcycles" as defined in s. 340.01 (32), Wis. stats.
20. "Railroad trains" as defined in s. 340.01 (48), Wis. stats.

21. "Recreational vehicles" as defined in s. 340.01 (48r), Wis. stats.
22. "Road machinery" as defined in s. 340.01 (52), Wis. stats.
23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.
24. "Salvage vehicles" as defined in s. 340.01 (55g), Wis. stats.
25. "School buses" as defined in s. 340.01 (56), Wis. stats.
26. "Semi trailers" as defined in s. 340.01 (57), Wis. stats.
27. "Snowmobiles" as defined in s. 340.01 (58), Wis. stats.
28. "Special interest vehicles" as defined in s. 341.266, Wis.stats.
29. "Trailers" as defined in s. 340.01 (71), Wis. stats.
30. "Truck tractors" as defined in s. 340.01 (73), Wis. stats.
31. "Unlicensed demolition motor vehicles and unlicensed racing motor vehicles.
32. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

J. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision

SECTION VI - COVERAGE

A No person may accumulate, store, or otherwise keep, or allow to be accumulated, stored, or otherwise kept on real estate owned or leased by the person, not more than 3 junked vehicles or junked vehicle parts outside of any building on any real estate located within the town without obtaining a junked vehicle permit from the town board.

B No person may accumulate, store, or otherwise keep any junked vehicle or junked vehicle parts within 500 feet of the center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway without obtaining a junked vehicle permit from the town board.

C. The fee for issuance of a junked vehicle permit shall be established by resolution of the town board at not less than **\$500.00** nor more than **\$1000.00** per permit. The fee shall be established by the town board prior to **January 1st**. The term of the permit date of the year of issue to June 30 of the next year. The permit shall be issued by the town board prior to any person accumulating or storing any junked vehicle or junked vehicle parts in the town subject to this ordinance.

SECTION VII - APPLICATION/PERMIT

The application and permit shall designate the legal premises in the town subject to the permit. The permit may be amended without charge if the permittee changes premises in the town. However, the permit is not transferable from one person to another. The application and permit shall contain the following:

- A. The name of the applicant, any agent of the applicant, and the owner of the premises, if different from the applicant.
- B. The address of the premises.
- C. The premises' telephone number, if any, and the residential telephone number of the applicant if different from the premises' telephone number, the business and residential telephone number of any agent, and the business and residential telephone number of the owner of the premises, if different from the applicant.
- D. The age of the applicant and of the owner of the premises, if different from the applicant.
- E. The legal description of the premises.
- F. The manner, if any, of storing and transporting junked vehicles and junked vehicle parts.
- G. The projected number of junked vehicles or junked vehicle parts projected to be stored, accumulated, or otherwise kept on the premises and the projected number of years of accumulation, storage, and removal of the junked vehicles and junked vehicle parts.
- H. Any other items requested by the town board in writing.

SECTION VIII - ORDINANCE/PERMIT PROVISIONS

A Persons subject to this ordinance shall comply with ss.84.31 and 175.25 Wis. stats.

B. Each junk vehicle permit issued by the town board shall include conditions regarding all of the following, which shall be established on a case-by-case basis by the town board acting in its discretion:

1. Installation and maintenance of fences on the premises.
2. Provision and maintenance of adequate fire safety equipment on the premises.

3. Removal or draining of all vehicle tanks and engines on the premises.
4. Installation and maintenance of adequate sanitary facilities on the premises.
5. Operational hours at the premises.
6. Installation and maintenance of adequate and necessary physical structures and equipment and provision of necessary personnel.
7. Rules and safeguards to prevent public nuisances and to protect the public health and safety of persons residing near the premises or persons entering the premises, including public nuisances at the premises associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion
8. Prohibition of open fires or open burning of solid waste on the premises.
9. Prohibition of any hazardous waste being stored, kept, or disposed of on the premises.
10. Installation and maintenance of adequate landscaping upon and surrounding the premises.
11. Provision and maintenance of adequate security and operational personnel to prevent trespassing onto the premises.
12. The number of junked vehicles and junked vehicle parts authorized to be kept on the premises.
13. Installation and maintenance of adequate physical structures and operational controls to prevent trespassing, littering, and private nuisances on private and public lands adjacent to the premises.
14. Any other condition determined by the town board to be necessary and appropriate.

C. The applicant and any other person subject to this ordinance are subject to all of the following:

1. No person shall be issued or reissued a junked vehicle permit in the town until the appropriate application fee has been paid to the town clerk.
2. No person shall be issued or reissued a permit in the town who has failed to properly and fully complete and submit to the town clerk the application form as developed and provided by the town.
3. No person shall be issued or reissued a junked vehicle permit, and a permittee may have the permit revoked after a public hearing by the town board, if the applicant for the junked vehicle permit or permittee has done any of the following:

- a. Violated any condition stated in the junked vehicle permit.
- b. Failed to comply, as determined by the town board, with any town or county zoning ordinance.
- c. Failed to allow physical access to the premises by the town board or its designee for inspection purposes upon **48** hours' notice to the applicant or permittee.

SECTION IX - PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that falls to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than **\$500.00** nor more than **\$100.00**, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION X - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION XI - EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s.60.80, Wis. Stats

Adopted this 2nd day of February 2012

Chairperson

Supervisor #1

Supervisor #2

Attest: _____
Town Clerk