

Nov 19, 96

Original copy

ORDINANCE NO. 96- /

AN ORDINANCE REGULATING THE STORAGE OF JUNK AND JUNKED, INOPERABLE, WRECKED, DISCARDED OR ABANDONED VEHICLES.

The Town Board of the Town of Mecan, being duly assembled, does ordain as follows:

SECTION 1. In order to promote public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, to preserve and enhance the scenic beauty of land bordering public highways, to attract tourists and promote the prosperity, economic well-being, and general welfare of the Township of Mecan, it is declared to be in the public interest to regulate and restrict the storage of junk and junked, inoperable, wrecked, discarded or abandoned vehicles.

SECTION 2. Definitions: The following words, phrases and terms used in this ordinance shall be interpreted as follows:

(a) **Junk:** Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools and discarded building materials. Also any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or township property values, health, safety or general welfare.

(b) **Junked Motor Vehicles:** Any motor vehicle, truck body, tractor or trailer, house trailer, railroad car, or semi-trailer in such state of physical or mechanical ruin as to be incapable of propulsion or operated upon the public highways.

(c) **Unlicensed Motor Vehicles:** Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

(d) **Motor Vehicle:** As defined in Sec. 340.01(35) Wis. Stats.

**SECTION 3. Storage of Junk Prohibited.** No person, except a junk dealer or auto salvage dealer licensed under this Ordinance, shall accumulate, store or allow any junk outside of any building on any public or private real estate located within the Township of Mecan.

(a) **Exception.** This prohibition does not apply to the storage by farmers of discarded or worn out machinery, equipment, and tools for the farmer's own use, provided such storage is at least 500 feet from the center line of the nearest public highway, or concealed from public view.

**SECTION 4. Storage of Junked or Unlicensed Motor Vehicles.**

(a) No person shall accumulate, store or allow any junked or unlicensed motor vehicle, as defined herein, in the open upon any public or private property in the Township for a period exceeding 10 days.

(b) **Exceptions:**

(1) Any business engaged in automotive sales or repair located in a properly zoned district may retain junked motor vehicles in the open for a period not to exceed 30 days, after which such vehicle shall be removed.

(2) Junk dealers or auto salvage dealers licensed under this Ordinance.

(3) Any property owner or occupant shall be permitted to store not more than 2 junked or unlicensed motor vehicles, provided that such storage is not less than 500 feet from the nearest public highway, or concealed from public view.

**SECTION 4. Vehicle Abandonment Prohibited.**

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this Ordinance, whenever any vehicle has been left unattended for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when the owner thereof has personally appeared before the Town Board and due to exigent circumstances, obtained the Town Board's designation of such motor vehicle as not abandoned.

**SECTION 5. License Required.**

(a) No person, firm or corporation shall engage in the business of buying, selling, gathering, delivering or storing of junked motor vehicles, old iron or other metal, paper, rags, glass, or other material commonly included within the term "junk", without first having obtained a license therefore as provided in this section. This requirement, however, shall not apply to organized drives for collection of paper, clothing or other materials as a fund raising activity for charitable or public purposes.

(b) Application for such license shall be made to the Town Clerk, upon forms which shall be provided by said clerk and shall be accompanied by the fee herein required. Each such application shall set forth the full name and residence of the applicant, and in the case of a partnership or corporation, the full names and residences of the partners or corporate officers; shall describe particularly the premises or parcel of land upon which the junked motor vehicles or junk is to be collected, stored or delivered, or which is to be used in connection with the conducting of such business; shall indicate whether the junk or materials to be collected or stored is combustible or incombustible; and shall contain such other and further information as may from time to time be specified by the Town Board.

(c) The annual license fee shall be \$200.00 for each year or part of a year. Each license shall expire on June 30th and shall not be valid for more than one year.

(d) Each such license shall be issued by the Town Clerk only upon authorization of the Town Board granted after the applicant has appeared before the Town Board personally or by duly authorized representative, and having satisfactorily responded to all questions, if any, of the Town Board.

(e) No such license shall be granted unless the premises upon which business is to be conducted is at least 500 feet distant from the centerline of any public road, and is adequately shielded from public view by a fence adequate for such purposes in the opinion of the Town Board, or by vegetation or natural topography providing adequate concealment.

(f) No such license shall be granted upon any application when it shall appear to the Town Board reasonably probable that the granting of such license would have an adverse effect upon the health or safety of any resident of the Township, adversely affect the value of any property in the Township, or create or cause a public nuisance by reason of constituting an eyesore or causing strong unpleasant odors. Such application for license may be denied by the Town Board for any other reasons determined by the Town Board, for the good of the public welfare and the Township.

(g) The Town Board may attached such restrictions to the granting of such license as will, in its opinion, serve to meet or promote the public purposes set forth in this Ordinance. *AFTER GRANTING OR RENEWING*

SECTION 6. Penalties. Any person, firm, partnership or corporation violating any of the provisions of the Ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$200.00 for each offense, together with the costs of prosecution. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 7. Revocation of License. Upon complaint made in writing by any resident of the Township of Mecan to the Town Board that any licensee has violated any of the provisions of this Ordinance, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than 3 days after the date of service thereof, to show cause why his license shall not be revoked. The Town Board shall thereupon proceed to hear the matter, and if it finds that the

allegations of such complaint are true, shall revoke the license of such person.

SECTION 8. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid, and if any provision of this Ordinance with the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 9. This Ordinance shall not be construed to apply to the collection of garbage, waste products, or recyclable materials by any person, firm or corporation regularly engaged in such collection activity.

SECTION 10. This Ordinance shall take effect and be enforced from and after its passage and publication as provided by law.

Ordinance No. 96- 1 adopted by the Town Board of the Town of Mecan on the 19 day of NOV, 1996.

APPROVED:

Martin W Klawitte  
Town Chairman

ATTEST:

Arlo W. Wegner  
Town Clerk

Dennis J. Kerwin  
SUPERVISOR

Leon Hallman  
SUPERVISOR