

**ORDINANCE NO. 3-2011**

**TOWN OF GARFIELD**

**POLK COUNTY, WISCONSIN**

**JUNKED VEHICLE ORDINANCE**

**Section A: Authority.** The Town Board of the Town of Garfield has the specific authority, powers and duties, under Sec. 175.25, Wis. Stats., and general authority under its village powers under Sec. 60.22, Wis. Stats., to adopt this Ordinance.

**Section B: Title.** This Ordinance shall be known as the “Town of Garfield Junked Vehicle Ordinance” and when referred to herein it is also known as “this Ordinance.”

**Section C: Purpose.** The purpose of this Ordinance is for the Town of Garfield to regulate by permit and penalty the storing of certain junked vehicles in the Town of Garfield.

**Section D: Definitions.**

**Junked Vehicle.** A vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap or a vehicle for which an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.

**Junked Vehicle Parts.** Any part or parts from a junked vehicle.

**Vehicle.** Every device in, upon, or by which persons or property is or may be transported.

**Town.** Town of Garfield.

**Town Board.** The Board of Supervisors of the Town of Garfield.

**Wis. Stats.** Wisconsin Statutes, including successor provisions of cited statutes.

**Section E: Applicability.** For purposes of this Ordinance, the definition of “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 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. “Hobbyist or homemade vehicles” as defined in s. 341.268, Wis. Stats.
8. “Junk vehicles” as defined in 340.01(25j), Wis. Stats.
9. “Implements of husbandry” as defined in s. 340.01(24), Wis. Stats.
10. “Mopeds” as defined in s. 340.01(29m), Wis. Stats.

11. "Motor bicycles" as defined in s. 340.01(30), Wis. Stats.
12. "Motor buses" as defined in s. 340.01(31), Wis. Stats.
13. "Motor homes" as defined in s. 340.01(33m), Wis. Stats.
14. "Motor trucks" as defined in s. 340.01(34), Wis. Stats.
15. "Motorcycles" as defined in s. 340.01(32), Wis. Stats.
16. "Railroad trains" as defined in s. 340.01(48), Wis. Stats.
17. "Recreational vehicles" as defined in s. 340.01(48r), Wis. Stats.
18. "Road machinery" as defined in s. 340.01(52), Wis. Stats.
19. "Road tractors" as defined in s. 340.01(53), Wis. Stats.
20. "Salvage vehicles" as defined in s. 340.01(55g), Wis. Stats.
21. "School buses" as defined in s. 340.01(56), Wis. Stats.
22. "Semi trailers" as defined in s. 340.01(57), Wis. Stats.
23. "Snowmobiles" as defined in s. 340.01(58), Wis. Stats.
24. "Special interest vehicles" as defined in s. 341.266, Wis. Stats.
25. "Trailers" as defined in s. 340.01(71), Wis. Stats.
26. "Truck tractors" as defined in s. 340.01(73), Wis. Stats.
27. Unlicensed demolition motor vehicles and unlicensed racing motor vehicles.
28. 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.

**Section F: Coverage.**

1. No person, unless exempt under Section H of this Ordinance, may accumulate, store, or otherwise keep any junked vehicle or junked vehicle parts within 500 feet of the centerline of any town road in the Town, or within 750 feet of the centerline of any county trunk, state trunk, or federal highway without obtaining a junked vehicle permit from the Town.
2. The fee for issuance of a junked vehicle permit shall be established by resolution of the Town Board and included in the Town Fee Schedule. The term of the permit shall be from the 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 G: Application and 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:

1. The name of the applicant, any agent of the applicant, and the owner of the premises, if different from the applicant.
2. The address of the premises.
3. 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.
4. The legal description and parcel identification number of the premises.
5. The manner, if any, of storing and transporting junked vehicles and junked vehicle parts and associated fluids.
6. 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 vehicle parts.
7. Any other items requested by the Town in writing.

**Section H: Exemptions.** The following persons are exempt from the permit requirements of this Ordinance:

1. Any person who meets the specific requirements of Sec. 175.25, Wis. Stats., as determined by the Town Board.
2. Any person with three (3) or less junked vehicles owned or controlled by that person and stored on the premises owned or leased by that person in the Town, where the vehicles are not registered by the State of Wisconsin or any other state.
3. A vehicle or part thereof used primarily for agricultural purposes.
4. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
5. A vehicle which is adequately screened by a solid fence or other buffer, as determined by the Town Board.
6. Any commercial vehicle service operation on private lands in the Town that is in conformity with local zoning and land use regulation.
7. Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under Sec. 218.205, Wis. Stats., authorizing storage uses, operations, and activities at property locations in the Town or hold a current motor vehicle dealer license under Sec. 218.0114, Wis. Stats., for salvage, sale, or storage operation and activities at a property location in the Town, and are actively engaged in the Town, as determined in writing by the Town Board, in the commercial motor vehicle salvage or motor vehicle retail sales business on the property in the Town. The exemption granted under this Section is strictly limited to the extent allowed by the applicable license.

**Section I: Permit Provisions.**

1. Persons subject to this Ordinance shall comply with Sec. 84.31 and 175.25, Wis. Stats.
2. The applicant and any other person subject to this Ordinance are subject to all of the following:
  - a. No person shall be issued or reissued a junked vehicle permit in the Town until the appropriate application and fee has been paid to the Town Clerk.
  - b. 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 permit or permittee has done any of the following on the premises, as determined by the Town Board:
    - i. Failed to install, provide, and maintain fences or other landscaping for screening purposes.
    - ii. Failed to properly drain all junked vehicle tanks and engines.
    - iii. Failed to comply with operational hours at the premises.
    - iv. Failed to install, provide, and maintain adequate and necessary physical structures and equipment and personnel and failed to comply with conditions, rules, and safeguards to prevent public nuisances and to protect the public health, safety and welfare 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.
    - v. Failed to comply with any Town or County zoning ordinances.
    - vi. Failed to prevent open fires or open burning of solid waste or hazardous waste, including the burning of vehicle or vehicle parts.
    - vii. Failed to limit the number of junked vehicles and junked vehicle parts as authorized by the Town Board in the permit.
    - viii. Failed to allow access to the premises by the Town Board or its designee for inspection purposes upon notice to the applicant or permittee.

**Section J: Penalty.** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture as specified in the Town of Garfield Citation Ordinance, 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 for a court of record to enjoin further violations.

**Section K: Severability.** If a court of competent jurisdiction determines that any section, clause, provision or portion of this Ordinance is unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected by any such determination.

**Section L: Effective Date.** This Ordinance shall be effective after public hearing, adoption by the Town Board, and publication as required by law.

Adopted by the Town of Garfield July 12, 2011.

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Edward O. Gullickson, Chairman

**ATTEST**

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Sue Knutson, Clerk