

Chapter 10

B. Junked or Discarded Vehicles, Appliances, or Property.

Ordinance # 2016.1

Section 1: Purpose

The purpose of this ordinance is to define those policies, procedures and practices which may discourage the storage of disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, appliances or other discarded property outside of an enclosure upon private property in the Town of Fox Lake.

Section 2: Authority

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 342.40 Wis. Stats., and by adoption of village powers under Sec. 60.10 Wis. Stats., to adopt and enforce this ordinance.

Section 3: Adoption of Ordinance

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance, regulations, controls and enforcement against storage of disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, appliances or other discarded property outside of an enclosure upon private property in the Town of Fox Lake.

Section 4: Junked Vehicles and Appliances

(a) **Storage Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored unenclosed outside a building upon private property within the Town for a period exceeding ten (10) days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.

(b) **Definitions.**

(1) The term “disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers” as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.

(2) The term “unlicensed – motor vehicles, truck bodies, tractors or trailers” as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.

(3) The term “motor vehicle” is defined in Sec. 340.01(35), Wis. Stats.

(4) The term “inoperable appliance” is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.

(c) **Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area when necessary to the operation

of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provide such vehicles are stored in compliance with the Ordinances of the Town. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Town Board may issue temporary permits permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.

(d) Enforcement.

(1) Whenever the Police Department shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Town, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles or appliance is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.

(2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of by the Chief of Police or his/her duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.

(e) Penalty. Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in the Town of Fox Lake Citation Ordinance. Each motor vehicle or appliance involved shall constitute a separate offense.

Section 5: Storage of Other Junked or Discarded Property

(a) Storage Restricted. No person shall store junked or discarded property, including automobile parts, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which substantially depreciates property values in the neighborhood, except in an enclosure which houses such property from public view, upon permit issued by the Town Board, or unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance. Storage of such items contrary to this provision shall be considered a public nuisance.

(b) Enforcement.

(1) Whenever the Police Department shall find any junked or discarded property as described herein, placed or stored in the open upon private property within the Town, they shall notify the owner of said property on which said junked or discarded property is stored of the violation of this Section. If said junked or discarded property is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said junked or discarded property is stored.

(2) If such junked or discarded property is not removed within twenty (20) days after issuance of a citation, the Chief of Police shall cause the junked or discarded property to be removed and impounded, and it shall thereafter be disposed of by the Chief of Police or his/her duly authorized representative. Any cost incurred in the removal and sale of said junked or discarded property shall be recovered from the owner. However, if

the owner of the junked or discarded property cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.

(e) **Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in the Town of Fox Lake Citation Ordinance. Each piece of junked or discarded property involved shall constitute a separate offense.

Further, BE IT HEREBY ORDAINED that this ordinance shall be in effect until rescinded by further action of the board.

Adopted by the Town Board this 11th day of April, 2016.

Town Chairperson

Attested to by the Town/Village Clerk

Town Clerk