

TOWN OF ELBA
DODGE COUNTY, WISCONSIN

The Town Board of the Town of Elba, Dodge County, Wisconsin amends Elba Junkyard Ordinance #4, Section 3 to increase the annual fee from \$65 to \$100.

Adopted April 8, 2013

Joe Roche Chairman
Joe Roche

Allen Link Supervisor #1
Allen Link

Roger Parpart Supervisor #2
Roger Parpart

ATTEST

Tracy Roche
Tracy Roche, clerk

AMENDMENT TO ELBA JUNKYARD ORDINANCE #4, SECTION 3

The Town Board, of the Town of Elba, Dodge County, at a Town Meeting at the Elba Town Hall, in Astico, Wisconsin, on January 15, 1996, adopted the following: Allen Link moved Russell Farr seconded to adopt the following Junkyard Ordinance #4, Section 3, that the license fee hereunder shall be changed from \$50.00 to \$ 65.- per year, all in favor, the motion was carried.

Russell Farr, Chairman
Russell Farr

Allen Link, 2nd Supervisor
Allen Link

Fay M. Pergande Clerk
Fay M. Pergande

Dated: 1-15-96

Elba Ordinance No 4

AN ORDINANCE RELATING TO JUNK AND JUNK DEALERS; PROVIDING FOR LICENSING OF JUNK DEALERS AND PROVIDING PENALTIES.

THE TOWN BOARD OF THE TOWN OF ELBA, DODGE COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1. Definitions.

- (a) "Junk" is defined as rags, old iron, brass, copper, zinc, tin or other metal, bottles, paper, bagging, junked automobiles and machinery or the parts thereof or any other material.
- (b) "Junk Yard" is defined as any place used for the accumulation of any kind of junk or trash. A farmers accumulation of his own old machinery or parts thereof shall not, for the purposes of this ordinance be construed as junk.
- (c) "Junk Dealer" is defined as any person, firm, partnership or corporation which engages in, keeps, conducts or carries on, a business for the purchase, trade, sale or storage of junk.

SECTION 2. License Required.

It shall be unlawful for any person, firm, partnership or corporation to maintain a junk yard or to operate as a junk dealer within the limits of the Town of Elba or to travel from place to place within the limits of the Town of Elba for the purpose of buying, selling, trading or soliciting junk without first obtaining a license therefor as hereinafter provided.

SECTION 3. License Fee.

The license fee hereunder shall be \$25.00 per year. Seperate licenses shall be required for each shop or yard maintained on seperate premises. In addition seperate licenses shall be required for each person or vehicle traveling from place tp place within the Town of Elba for the purpose of buying, selling, trading or soliciting junk provided, however, that this provision of this section shall not apply to persons or vehicles employed by said dealers exclusively for the purpose of receiving or delivering as distinguished from buying, selling or soliciting as set forth above.

SECTION 4. License Period.

The license fee shall be for one year but the license may be renewed by the town board for additional periods of one year. Application for the renewal of a license, together with the fee, must be filed with the town clerk at least 30 days before the expiration of the license. Applications for licenses for dealers and yards operating on the date of passage of this ordinance shall be filed, together with the fee, with the town clerk within 30 days after said date.

SECTION 5. Issuance and Transfer of License.

All licenses issued hereunder shall be signed by the town clerk and shall limit the area and specify the location of the premises licensed. Regulations specifying the manner of storing junk, adopted by the town board, shall be printed on the reverse side of such license. No license issued hereunder shall be transferred or the area on which operations are authorized to be conducted, changed without the consent of the town board.

SECTION 6. Revocation.

Any license issued hereunder may be revoked or suspended at any time by the town board after a hearing at which it has been found that the licensee has failed or refused to comply with the provisions of this ordinance. Such hearing may be held by the town board upon its own motion or upon the complaint in writing duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with the provisions hereof. A copy of the complaint, together with a notice of the hearing shall be served upon the licensee not less than ten days prior to the date of hearing.

SECTION 7. Display of License.

Each person licensed hereunder to travel within the Town of Elba for the purpose of buying, selling or trading junk, shall carry with him while so traveling, the license so issued and shall exhibit same to any police officer or any officer of the Town of Elba when so requested. Each junk dealer licensed to do business within the Town of Elba shall display said license in a conspicuous place in his place of business at all times.

SECTION 8. Regulations.

- (a) Unballed paper and rags shall be stored at all times inside enclosed buildings.
- (b) The topography of the area used for storage out of doors, of junk and junk automobiles shall, if possible, slope away from any adjacent sidewalk, highway, road, street or alley.
- (c) Areas used for storage of junk shall be fenced from view of persons walking or riding upon adjacent sidewalks, highways, roads, streets or alleys. Such fences shall be of standard design, construction and finish and shall be certified as having been approved by the Elba building inspector.
- (d) When stored inside enclosed buildings, such storage shall be in compliance with all applicable Wisconsin and Elba laws and ordinances.
- (e) No licensee hereunder shall purchase any junk as herein defined, except rags and waste paper, from any minor under eighteen years of age without the written consent of parent or guardian.

SECTION 9. Penalty.

Any person, firm, partnership or corporation violating any of the provisions of this ordinance shall, upon the conviction thereof, be punished for each offence by a fine of not to exceed \$50.00 together with costs of prosecution and in default of payment shall be imprisoned in the Dodge County jail for a term not to exceed 30 days. Each day after one week from date of conviction that a violation of this ordinance exists shall be deemed a separate offence.

SECTION 10. Severability.

Should any section, paragraph, subdivision, clause or provision of this ordinance be adjudged invalid, such adjudication shall apply only to the portion so adjudged and the remainder of the ordinance shall remain valid.

SECTION 11. State Statutes Adopted.

The provisions of Sections 348.427 and 348.477, Wisconsin Statutes, 1953, and all acts amendatory thereto and supplementary thereof relative to the storage and sale of junk and the business of dealing in junk and junked automobiles, are adopted as a portion of this ordinance except as otherwise provided by ordinance of the Town of Elba.

SECTION 12. Effective Date.

This ordinance shall take effect from and after the 16th day of March, 1954

Ordinance Passed by Elba Town Board on March 16, 1953

AMENDMENT TO ELBA JUNKYARD ORDINANCE # 4, SECTION 3. (December 16, 1980)

A Public Hearing at the Elba Town Hall, Dodge County, December 16, 1980 at 8:00 P.M. was held for the purpose of raising the license fee for the Elba Junk Yard Ordinance # 4, Section 3, from \$25.00 to \$50.00 per year. There were no objections voiced, so Mr Lelon Lange, chairman, declared the fee raised to \$50.00 and the hearing closed.

Signed Joan L. Johnson, Clerk
Joan L. Johnson

Signed Lelon R. Lange Chairman
Lelon R. Lange

Signed _____ 1st Supervisor
Eugene Setz

Signed Eugene Setz 2nd Supervisor
Fred Blumer

Dated Fred Blumer