

JUNKED MOTOR VEHICLE ORDINANCE #2010-01

STATE OF WISCONSIN
TOWN OF PHELPS
VILAS COUNTY

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of Phelps has the specific authority under s. 175.25, Wisconsin Statutes, and general authority under its village powers under s. 60.22, Wisconsin Statutes, to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Phelps, by this ordinance, adopted with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the town to regulate and permit storage of certain junked vehicles in the town.

SECTION IV – DEFINITIONS

- A. "Junk vehicle parts" means parts from a junked vehicle.
- B. "Junked" means dismantled for parts or scrapped and stored in the town.
- C. "Motor vehicle dealer" has the meaning given in s. 218.0101(23), Wis. Stats.
- D. "Motor vehicle salvage dealer" has the meaning given in s. 218.20(lr), Wis. Stats.
- E. "Town" means the Town of Phelps, Vilas County, Wisconsin.
- F. "Town Board" means the board of supervisors for the Town of Phelps, Vilas County, Wisconsin and includes designees of the board authorized to act for the board.
- G. "Town Clerk" means the clerk of the Town of Phelps, Vilas County, Wisconsin.
- H. "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(l), 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(30), 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.

- I. "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 upper case Roman numerals. Sections may be divided into subsections designed by upper case letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designed by lower case letters. Subdivisions may be divided into subdivision paragraphs designed by lower case Roman numbers. 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, unless exempt under Section VIII of this ordinance, may accumulate, store, or otherwise keep any junked vehicle or junk 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 motor vehicle permit from the town.
- B. The fee for issuance of a junked motor vehicle permit shall be established by resolution of the Town Board at not less than \$50.00 nor more than \$150.00 per permit. The fees shall be established annually by the Town Board prior to April 15. In the event the Town Board shall fail to so establish such fee for any year, the fee shall then be the fee established for the preceding year. 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 junk vehicle parts in the town subject to this ordinance.
- C. Any person storing more than four (4) junked motor vehicles owned or controlled by that person and stored on the premises owned or leased by that person in the Town, shall erect fence/fences as required by the Town Board in the Junked Motor Vehicle Permit restrictions provisions. The Town Board may establish any fencing requirements deemed reasonably by the Town Board in order to carry out the purpose of 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 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 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 junk 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 required by the Town Board in writing.

SECTION VIII – EXEMPTIONS

The following persons are exempt from the permit requirements of this ordinance:

- A. Any person who meets the specific requirements of s. 175.25, Wisconsin Statutes, as determined by the Town Board.
- B. Any person with four (4) or less junked motor 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.

- C. 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 s. 218.205, Wisconsin Statutes, authorizing storage uses, operations, and activities at property locations in the town or hold a current motor vehicle dealer license under s. 218.0114, Wisconsin Statutes, 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 property in the town. The exemption granted under this subsection is strictly limited to the extent allowed by the applicable license.

SECTION IX – ORDINANCE/PERMIT PROVISIONS

- A. Persons subject to this ordinance shall comply with ss. 84.31 and 175.25, Wisconsin Statutes.
- B. The applicant and any other person subject to this ordinance are subject to all of the following:
1. No persons shall be issued or reissued a junked motor vehicle permit in the town until the appropriate application fee has been paid to the town clerk.
 2. No persons 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 motor vehicle permit, and a permittee may have the permit revoked after a public hearing by the Town Board, if the applicant for the junked motor vehicle permit or permittee has done any of the following:
 - a. Failed to install and maintain fences on the premises as determined by the Town Board.

- b. Failed to prevent and remove inappropriate advertising on the fences at the premises as determined by the Town Board.
- c. Failed to install and maintain adequate fire safety equipment on the premises as determined by the Town Board.
- d. Failed to properly drain all motor vehicle tanks and engines on the premises as determined by the Town Board.
- e. Failed to install, provide, and maintain adequate sanitary facilities on the premises as determined by the Town Board.
- f. Failed to comply with operational hours at the premises as determined by the Town Board.
- g. Failed to install, provide, and maintain adequate and necessary physical structures and equipment personnel as determined by the Town Board and failed to comply with conditions, rules, and safeguards as determined by the Town Board to prevent public nuisances and to protect the public health and safety to 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.
- h. Failed to comply, as determined by the Town Board, with any town or county zoning ordinances.
- i. Failed to prevent open fires or open burning of solid waste or hazardous waste at the premises, including the burning of any motor vehicle or motor vehicle parts.
- j. Failed to install, provide, and maintain adequate landscaping surrounding the premises as determined by the Town Board.

- k. Failed to provide and maintain adequate security and operation personnel to prevent trespassing onto the premises.
- l. Failed to limit the number of junked motor vehicles and junk vehicle parts on the premises as authorized by the Town Board in the permit.
- m. Failed to install and maintain adequate physical structures and operational controls as determined by the Town Board to prevent trespassing, littering, and to prevent private nuisances on private and public lands adjacent to the premises.
- n. Failed to provide adequate personnel, as determined by the Town Board, to remove noxious weeds, standing water, and other debris during and after daily operations at the premises.
- o. Failed to allow physical access to the premises by the Town Board or its designee for inspection purposes upon 24 hours notice to the applicant or permittee.

SECTION X – PENALTY PROVISION

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$10.00 nor more than \$50.00, 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 XI – SEVERABILITY

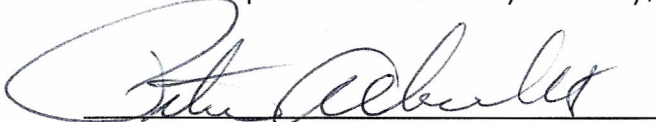
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance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


SECTION XII – 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, Wisconsin Statutes.

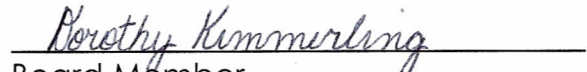
Adopted this 10th day of May, 2010.


Board Chairman


Board Member


Board Member


Board Member


Board Member

Attest:


Nancy Steenport, Town Clerk