

TOWN OF SAUKVILLE, OZAUKEE COUNTY, WISCONSIN

ORDINANCE NO. 1997-04

JUNK CAR AND TRASH ORDINANCE

THE TOWN BOARD OF THE TOWN OF SAUKVILLE, OZAUKEE COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:

SECTION I: Purpose. The purpose of this ordinance is to stabilize and protect property values, further the appropriate use of land and to preserve and protect the beauty of the community as set forth in Section 1.3 of the Zoning Ordinance of the Town of Saukville.

SECTION II: Authority. The Town Board of the Town of Saukville has the specific statutory authority, powers and duties pursuant to Sect. 66.052, Wis. Stats., and Chapters 143, 144, 146 and 823 Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and by its adoption of powers under Sect. 60.10 Wis. Stats., to regulate, control and prevent in the Town of Saukville certain uses, activities, businesses and operations by persons that may cause a public nuisance in the town of Saukville.

SECTION III: General Provisions. No person in the Town of Saukville shall cause, allow or permit any person to maintain a nuisance on premises owned, leased or controlled by that person where the nuisance causes substantial diminution of the value of properties of others in the neighborhood where the premises are located. The following are declared by the Town Board to be public nuisances. This declaration should not be construed to exclude other public nuisances in the Town of Saukville.

- A. Junked vehicles on private property in areas visible from public roadways or neighboring property. No disassembled, inoperable, junked or wrecked motor vehicles shall be stored unenclosed upon private property in areas visible from public roadways or neighboring properties within the Town for a period exceeding 30 days in any calendar year unless it is in connection with an authorized automotive repair, storage or salvage business located in a properly zoned area. Such business enterprises shall keep all such vehicles in an area screened from view from public roadways and other properties.
- B. Household goods and equipment and inoperable appliances on private property in areas visible from public roadways or neighboring properties. No trash, debris, junk lumber, used tires, furniture; appliances such as stoves, refrigerators, water heaters, washers, dryers, etc., shall be allowed to accumulate in open, unsheltered areas on private property in areas

visible from public roadways or neighboring properties for more than 30 days in any calendar year.

SECTION IV: Definitions.

- A. Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers: Motor vehicles, recreational vehicles, truck bodies 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 or other defects.
- B. Motor vehicle: As defined in Sect. 340.01(35) Wis. Stats.
- C. Inoperable appliance: Any stove, refrigerator, washer, dryer, water heater or other appliance which is no longer operable in the sense for which it was manufactured.
- D. Household goods: Any sofa, bed, dresser or any other household item intended for indoor use.

SECTION V: Exceptions.

- A. Farm tractors and farm machinery.
- B. Seasonal use vehicles such as snowmobiles, motorcycles or motor scooters.
- C. Cars or trucks in the process of being restored to an operable condition in a reasonable amount of time.
- D. Existing obsolete vehicles not visible from roadways or other properties.

In other situations, the Town Board may grant an extension of not to exceed 60 days to comply with this section where exceptional facts and circumstances warrant such an extension.

SECTION VI: Enforcement.

- A. Enforcement Officer. Whenever the designated enforcement officer shall find any vehicles, appliances, household goods or buildings as described here, placed, stored or allowed to stand in the open upon private property within the town, they shall notify in writing the owner of said property of the violation of this section. If said item is not removed *within one week*, the designated enforcement officer shall cause to be issued a citation to the property owner of the property upon which said item is found.
- B. Removal and Impoundment. If such item is not removed within 30 days after the issuance of the citation, the enforcement officer shall cause the item to be removed and impounded for a period of seven days, and it shall thereafter be disposed of by the enforcement officer or his duly authorized representative. Any cost incurred in the removal, sale or disposal of said items shall be recovered from the owner. If the owner cannot readily be found or fails

to reimburse the Town, the cost of such removal shall be charged to the property from which it is removed and these charges shall be entered as a special charge on the tax roll.

- C. Abandonment. Any abandoned vehicle which is determined by the designated enforcement officer to be abandoned shall be retained in storage for a period of 14 days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Department of Motor Vehicles, except that if the designated enforcement officer determines an abandoned vehicle to have a value of less than \$100.00 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of 19 years of age shall be deemed as having value in excess of \$100.00. Any such vehicle, which may be lawfully reclaimed, may be released upon payment of all accrued charges including towing, storage, and notice charges, and upon presentation of the vehicle title or other satisfactory evidence to the designated enforcement office to prove ownership or the secured party's interest in said vehicle.
- D. Notice to Owner or Secured Party. The Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Department of Motor Vehicles, if any, shall be notified by certified mail of the following:
1. The vehicle has been deemed abandoned and impounded by the Town of Saukville;
 2. The determined value of the abandoned vehicle;
 3. Whether the cost of towing and storage exceeds the determined value of the vehicle;
 4. Whether or not the vehicle is wanted for evidence or another reason. If the vehicle is not needed for any evidence, it may be reclaimed upon payment of all accrued charges including towing, storage and notice charges within 14 days of the date of notice unless the vehicle has been determined to have a value of less than \$100.00 or the cost of towing and storage charges for impoundment will exceed the value of the vehicle in which case the vehicle may be reclaimed with 7 days upon payment of the aforesaid charges; and
 5. The owner or secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.
- E. Sale of Vehicle. Any abandoned vehicle impounded by the Town which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this ordinance, may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

F. Forfeit of Interest. Within five days after the direct sale or disposal of a vehicle as provided for herein, the designated enforcement officer shall advise the State of Wisconsin Department of Transportation, Department of Motor Vehicles, of such sale or disposal on a form supplied by said Department. A copy of the form shall be given to the purchase of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Town for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchased shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Town shall be made available to any interested person or organization which makes a written request for such list. A reasonable fee for the list may be charged.

SECTION V: This ordinance shall take effect and be in full force upon its passage and the day after its publication.

APPROVED: _____ **DATE:** September 16, 1997
TERRY HOFFMAN, Town Board Chairman

This is to certify that the foregoing ordinance was adopted by the Town Board of the Town of Saukville, Wisconsin at a meeting held on September 16, 1997.

ATTESTED TO: _____ **PUBLISHED:** September 25, 1997
WALTER CLARKE, Town Clerk