

Title 10 ► Chapter 4

Unlicensed, Unregistered and Junk Vehicles

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Sec. 10-4-1 Purpose.

The purpose of this ordinance is for the Town of Big Bend to regulate by permit and penalty the storing of certain junked and/or unlicensed vehicles in the Town of Big Bend.

Sec. 10-4-2 Authority.

The Town Board of the Town of Big Bend has the specific authority under Sec. 175.25, Wis. Stats., and general authority under its village powers under Sec. 60.22, Wis. Stats., to adopt this ordinance.

Sec. 10-4-3 Definitions.

- A. **Junked vehicle.** Any inoperable, ruined, dismantled, or wrecked vehicle, in whole or in part, including any vehicle in the possession of a motor vehicle salvage dealer for wrecking, processing, scrapping, recycling, or dismantling purposes. For purposes of this ordinance, a motor vehicle is rebuttably presumed to be inoperable if it is not moved for a period of thirty 30 consecutive days. Demonstrating to the Town Board or its representative that the motor vehicle can be moved from its location under its own power conclusively rebuts the presumption.
- B. **Junked vehicle parts.** Parts from a junked vehicle.
- C. **Motor vehicle.** Except when included in the terms "motor vehicle dealer" or "motor vehicle salvage dealer," means a vehicle that was, at the time of its manufacture, self-propelled.
- D. **Motor vehicle dealer.** The meaning given in Sec. 218.0101 (23), Wis. Stats.
- E. **Motor vehicle salvage dealer.** A person who purchases and resells vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who carries on or conducts the business of wrecking, processing, scrapping, or dismantling motor vehicles or selling parts of motor vehicles so processed, including a motor vehicle salvage dealer who sells no vehicles or vehicle parts and whose business is limited to a

fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.

- F. **Person.** An individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.
- G. **Town.** The Town of Big Bend, Rusk County, Wisconsin.
- H. **Town Board.** The Board of Supervisors for the Town of Big Bend, Rusk County, Wisconsin, and includes designees of the Board authorized to act for the Board.
- I. **Town Clerk.** The clerk of the Town of Big Bend, Rusk County, Wisconsin.
- J. **Unlicensed Vehicle.** Any vehicle that requires registration and/or license to operate in this state and said vehicle does not have a current license and registration.
- K. **Vehicle.** 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 Sec. 29.001 (16), Wis. Stats.
 - (2) "All-terrain vehicles" as defined in Sec. 340.01 (2g), Wis. Stats.
 - (3) "Antique vehicles" as described in Sec. 341.265, Wis. Stats.
 - (4) "Automobiles" as defined in Sec. 340.01 (4), Wis. Stats.
 - (5) "Boats" as defined in Sec. 29.001 (16), Wis. Stats.
 - (6) "Camping trailers" as defined in Sec. 340.01 (6m), Wis. Stats.
 - (7) "Farm equipment" as defined in Sec. 100.47 (1), Wis. Stats.
 - (8) "Farm tractors" as defined in Sec. 340.01 (16), Wis. Stats.
 - (9) "Hobbyist or homemade vehicles" as defined in Sec. 341.268, Wis. Stats.
 - (10) "Junk vehicles" as defined in Sec. 340.01 (25j), Wis. Stats.
 - (11) "Implements of husbandry" as defined in Sec. 340.01 (24), Wis. Stats.
 - (12) "Manufactured homes" as defined in Sec. 101.91 (2), Wis. Stats.
 - (13) "Mobile homes" as defined in Sec. 340.01 (29), Wis. Stats.
 - (14) "Mopeds" as defined in Sec. 340.01 (29m), Wis. Stats.
 - (15) "Motor bicycles" as defined in Sec. 340.01 (30), Wis. Stats.
 - (16) "Motor buses" as defined in Sec. 340.01 (31), Wis. Stats.
 - (17) "Motor homes" as defined in Sec. 340.01 (33m), Wis. Stats.
 - (18) "Motor trucks" as defined in Sec. 340.01 (34), Wis. Stats.
 - (19) "Motorcycles" as defined in Sec. 340.01 (32), Wis. Stats.
 - (20) "Railroad trains" as defined in Sec. 340.01 (48), Wis. Stats.
 - (21) "Recreational vehicles" as defined in Sec. 340.01 (48r), Wis. Stats.
 - (22) "Road machinery" as defined in Sec. 340.01 (52), Wis. Stats.
 - (23) "Road tractors" as defined in Sec. 340.01 (53), Wis. Stats.
 - (24) "Salvage vehicles" as defined in Sec. 340.01 (55g), Wis. Stats.
 - (25) "School buses" as defined in Sec. 340.01 (56), Wis. Stats.
 - (26) "Semi-trailers" as defined in Sec. 340.01 (57), Wis. Stats.
 - (27) "Snowmobiles" as defined in Sec. 340.01 (58), Wis. Stats.
 - (28) "Special interest vehicles" as defined in Sec. 341.266, Wis. Stats.
 - (29) "Trailers" as defined in Sec. 340.01 (71), Wis. Stats.

- (30) "Truck tractors" as defined in Sec. 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.
- L. **Wis. Stats.** means the Wisconsin Statutes, including successor provisions to cited statutes.

Sec. 10-4-4 Coverage.

- (a) **Permitted Junked or Unlicensed Vehicles.** No person may accumulate, store, or otherwise keep, or allow to be accumulated, stored, or otherwise kept on real estate owned or leased by the person, more than two junked vehicles or junked vehicle parts or unlicensed vehicles outside of any building on any real estate located within the town without obtaining a junked vehicle or unlicensed vehicle permit from the Town Board.
- (b) **Parking/Storage of Junked Vehicles.** No person may accumulate, store, or otherwise keep any junked vehicle or junked 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 vehicle permit from the town Board.
- (c) **Permit Fees.** The annual fee for either a junked vehicle or an unlicensed vehicle permit this permit shall be in accordance with the Town of Big Bend's current 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.

Sec. 10-4-5 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. Junked Vehicle or Junked Vehicle Parts
 - 1) The name of the applicant, any agent of 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 age of the applicant and of the owner of the premises, if different from the applicant.
 - 5) The legal description of the premises.
 - 6) The manner, if any, of storing and transporting junked vehicles and junked vehicle parts.

- 7) 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.
- 8) Any other items requested by the Town Board in writing.

B. Unlicensed Vehicles

- 1) The name of the applicant, any agent of 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 age of the applicant and of the owner of the premises, if different from the applicant.
- 5) The legal description of the premises.
- 6) Any other items requested by the Town Board in writing.

Sec. 10-4-6 Ordinance/Permit Provisions.

A Vehicles, Vehicle Parts and Unlicensed Vehicles

- 1) Persons subject to this ordinance shall comply with Sec. 84.31 and 175.25, Wis. Stats.
- 2) Each permit issued by the Town Board shall include conditions regarding all of the following, which shall be established on a case-by-case basis by the Town Board acting in its discretion:
 - (a) Installation and maintenance of fences on the premises.
 - (b) Provision and maintenance of adequate fire safety equipment on the premises.
 - (c) Removal or draining of all vehicle tanks and engines on the premises.
 - (d) Installation and maintenance of adequate sanitary facilities on the premises.
 - (e) Installation and maintenance of adequate and necessary physical structures and equipment and provision of necessary personnel.
 - (f) Rules and safeguards to prevent public nuisances and to protect the public health and safety 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.
 - (g) Prohibition of open fires or open burning of solid waste at the premises.
 - (h) Prohibition of any hazardous waste being stored, kept, or disposed of at the premises.
 - (i) Installation and maintenance of adequate landscaping upon and surrounding the premises.
 - (j) Provision and maintenance of adequate security and operational personnel to prevent trespassing onto the premises.
 - (k) The number of vehicles and vehicle parts authorized to be kept on the

- premises.
- (l) Installation and maintenance of adequate physical structures and operational controls to prevent trespassing, littering, and private nuisances on private and public lands adjacent to the premises.
 - (m) Any other condition determined by the Town Board to be necessary and appropriate.
- 3) 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 permit in the town until the appropriate application fee has been paid to the Town Clerk.
 - (b) No person 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.
 - (c) No person shall be issued or reissued a 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:
 - i. Violated any condition stated in the permit.
 - ii. Failed to comply, as determined by the Town Board, with any town or county zoning ordinances.
 - iii. Failed to allow physical access to the premises by the Town Board or its designee for inspection purposes upon 48 hours' notice to the applicant or permittee.

Sec. 10-4-7 Penalty Provisions.

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 per Title 1-1-6 of this Code of Ordinances and/or the Town Fee Schedule 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.

Sec. 10-4-8 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 or application, and to this end the provisions of this ordinance are severable.