

CHAPTER XIX.

STORAGE OF RUBBISH AND JUNK-REGULATIONS

SECTION 19.00. Definitions. For the purposes of this Chapter:

19.01. The word “rubbish” is defined as waste, refuse, and such as tin cans, used lumber, tree stumps and branches, lawn rakings, glass, waste, metal, garbage, ashes, junk, crockery and part or parts of any automobile or motor vehicle, and similar waste products and debris.

19.02. The words “junked automobile” are defined as any self-propelled vehicle which is in an inoperative condition and remains in said inoperative condition for a period of ten (10) days, whether or not licensed pursuant to provisions of the Wisconsin Statutes. The word “inoperative” shall refer to vehicles which are not able to operate on legal highways in a customary and legal manner because of mechanical reasons or because of any violations of Wisconsin law as to required equipment thereon.

19.03. The words “junked equipment” are defined as any equipment, articles, tools, or implements, either farm or otherwise, which are in an inoperative condition and remain in said inoperative condition for a period of thirty (30) days, or are of no or nominal value or have been discarded.

SECTION 19.10. Restrictions. Except for the storage in receptacles incidental to normal residential use of property and except for premises licensed as junk dealers, junk storage and motor vehicle salvage businesses and except for tree stumps, branches and tree trunks in farm woodlots, it shall be unlawful to keep, store or dump rubbish, junked automobiles or junked equipment upon any property within the Town.

19.11. Subject to the procedures set forth herein, a junked automobile may be moved to a storage lot designated by motion of the Town Board, such removal to be made by an authorized tow agency as designated by the Town Board at the direction of the Sheriff’s Department or the Town Constable as the Town Board may dictate in any such motion. Further, the cost and expense of any such towing and/or removal shall be borne by the owner of any such vehicle or the owner of the real estate upon which the vehicle was located when towed. Any vehicle so removed may be disposed of by the tow agency, if unclaimed, through procedures provided for in state and local law. Owners of junked automobiles or persons who are in the possession of real property upon which a junked automobile is located shall be provided with a ten (10) day written notice by the Town, served personally or by registered or certified mail, stating that they must remove the junked automobile therein specified within ten (10) days; or in the alternative, the vehicle will be moved to a proper vehicle storage lot by tow as authorized herein, and that such party shall be responsible for the payment of the cost of such removal, plus storage charges and be subject to forfeitures as herein provided. If at the expiration of the ten (10) day period provided in such notice the junked automobile has not been removed, the owner of such vehicle or the party in possession of the real property upon which the vehicle is located shall be in violation of this ordinance and in addition to

the Town's remedies as available hereunder, shall be subject to a forfeiture as provided in Section 19.20 of this Code of Ordinances.

19.12. Notwithstanding the provisions of Section 19.11, no ten (10) day notice shall be required hereunder for the purposes of the issuance of a forfeiture under Section 19.20 of this Code of Ordinances if an owner of a junked automobile or the party in possession of the real property upon which such a junked automobile is alleged to exist have been previously served with a ten (10) day notice within the same calendar year for a violation involving the same junked automobile or for a violation occurring on the same premises; irrespective of whether a previous citation had been issued or whether the removal procedures contained in Section 19.11 have been imposed on such party.

19.13. Whenever any vehicle, whether licensed or unlicensed, has been left unattended on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned, or in the event that the vehicle has been left unattended for more than twenty four (24) hours on a public highway or street, or in the event that a vehicle has been left unattended without the permission of the private property owner, the vehicle shall be deemed abandoned and shall be removed pursuant to the procedure set forth in Section 19.11 hereof.

SECTION 19.20. Penalty.

19.21. Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of an offense, and upon conviction thereof, shall forfeit not less than \$100.00 nor more than \$250.00 and the costs of prosecution for each and every offense with each day that such offense exists being determined a separate and distinct offense, and in default of payment thereof in the case of any individual, by imprisonment in the County Jail for Kenosha County, Wisconsin, for such time, not less than five (5) days and not exceeding thirty (30) days, as the Court shall determine, unless judgment is sooner paid.

19.22. In addition to any forfeiture ordered by the Court, and if the written notice of the Town Constable has not been complied with, at the time such forfeiture is imposed, the Court may order that the premises be put in compliance with the terms of this Chapter and the costs thereof assessed as a special tax against the real estate. Any costs and tax assessed, shall be certified to the Town Clerk and Treasurer to be placed upon the next succeeding tax roll.