

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, 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 including recreation vehicles, ATVs, UTVs, watercraft, campers, tractors, mowers and construction equipment 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 in a customary and legal manner because of mechanical reasons or because of any violations of Wisconsin law as to required equipment thereon (in the case of vehicles which need to be registered to operate on public roads). Vehicles which have flat tires and/or windows which have been broken out are presumed to be inoperative. Registration of vehicles shall require evidence of current registration visible without requiring the removal of tarps or other covering materials.

19.03 The words “junked equipment” are defined as any non-motorized vehicle, trailer, camper, 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.

19.04 Storage of Junk, Etc., Regulated.

(a) Restricted. No person shall allow temporary or portable storage containers with a capacity of more than two (2) cubic yards to be stored upon property or shall store junked or discarded property, including non-licensed, inoperable automobiles, automobile parts, trucks, tractors, aquatic vehicles, boats, ATVs, UTVs, snowmobiles, jetskis, refrigerators, furnaces,

washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly building or miscellaneous debris which substantially depreciates property values in the neighborhood, except enclosed in a building or upon permit issued by the Town Board with proper zoning being in effect for such operation.

(b) Order For Compliance. The Town Chairperson or Building Inspector or law enforcement officer may require by written order any premises in violation of this subsection to be put in compliance within the time specified in such order and, if the order is not complied with, may take such steps as are necessary to have the premises put in compliance and the cost thereof assessed as a special tax against the property.

19.05 Abandoned Vehicles.

(a) Definitions.

(1) "Owner" means the owner of any lot, premises, the occupants, the tenants or lessees thereof and of any vehicle as defined herein or mobile home.

(2) "Vehicle" means any motor vehicle, trailer, semi-trailer, ATV, UTV, watercraft or mobile home which has become so deteriorated, stripped, junked or inoperative that it is not in a good and safe operating condition.

(b) Storage Prohibited.

(1) No person shall permit, allow or cause to be stored a vehicle as defined herein to remain in the open upon private property within the Town for a period in excess of thirty (30) days, unless such storage shall be in connection with a duly authorized sale, repair or storage business enterprises located on a properly zoned and, if required by law, a duly licensed premises.

(2) Vehicles stored: private property. The owner of any lot, plot or premises within the Town upon which a vehicle, as herein defined, is stored or permitted to remain, and the owner of any such vehicle, shall jointly and severally be responsible for the prompt removal of such vehicle to a completely enclosed building or buildings authorized to be used for such storage purposes, or otherwise to remove the same to a properly licensed location for disposal.

(3) Vehicles stored: public property. Whenever the Town Chairperson, Building Inspector or law enforcement officer shall find any vehicle placed or stored on any Town property, roads or right-of-ways such vehicle shall be removed to a licensed vehicle salvage yard and stored

for a period of ten (10) days. At the end of such period, the licensed salvage yard may dispose of the vehicle, as allowed by state law, unless previously claimed by the owner. The owner of any such vehicle removed from Town properties, roads or right-of-ways shall be notified as soon as possible after such removal to the salvage yard to which the vehicle has been taken.

(4) Notice. Whenever the Town Chairperson, Building Inspector, Town Board or law enforcement officer shall find any such vehicle placed or stored in the open upon private property within the Town, the owner of such property and the owners of the vehicle, if he can be located, shall be given a written notice, by certified mail or by personal service to remove the vehicle within ten (10) days. Should the vehicle not be removed by either the owner of the property (or tenant /occupant) or owner of the vehicle, the Building Inspector, the Town Board or the law enforcement officer shall, by judicial process, take such steps as are necessary to have the vehicle removed by a licensed salvage yard and the cost of removal shall be assessed jointly and severally against the owner of the property upon which the vehicle had been placed or stored and the owner of the vehicle.

(5) Sale and cost. When any such vehicle has been removed and placed in storage by the Town, as herein provided, and such vehicle is not claimed by its owner, the vehicle shall be sold by the Town pursuant to state statute and the proceeds there from, if any, shall be used to pay the costs for the removal and storage, the owner of the land and the owner of the vehicle to be jointly and severally liable for the balance of the costs, and should the proceeds be in excess of the costs, the balance shall be paid to the owner of the vehicle, if he can be found, or the owner of the premises.

(c) Abandoned Motor Vehicles. No person shall abandon or leave unattended any motor vehicle, trailer, semi-trailer, ATV, UTV, watercraft or mobile home 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 and any vehicle that has been left unattended and without the permission of the property owner for more than twenty-four (24) hours within the Town shall be deemed abandoned and constitute a public nuisance, except that a motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view or when designated as not abandoned by a law enforcement officer requested by the Town to inspect said vehicle placement. A vehicle which constitutes a hazard to traffic may be removed immediately by order of any law enforcement officer. The County Sheriff shall immediately be advised of the description of the vehicle and the place of impoundment.

(1) Impoundment. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of as set forth in this

section, except that if the Town Chairperson, Building Inspector or law enforcement officer determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Town pursuant to state statute.

(d) Public Nuisance. Any vehicle defined in subsection (a)(1) above shall be declared to be a public nuisance and an action to abate such nuisance shall be in addition to any penalties hereinafter set forth.

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 on public or private property rubbish, junked automobiles or junked equipment upon any property within the Town. Liability for this prohibition shall include both owners of the unlawfully kept property, whether owners of the real estate (landlords) or not (tenants).

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 One Hundred (\$100.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars 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.