

# Town of Sullivan, Jefferson County, Wisconsin

## “Proposed” Ordinance No. 2020-1

### AN ORDINANCE REGULATING THE KEEPING OF INOPERATIVE AND JUNK VEHICLES, VEHICLE PARTS AND UNREGISTERED MOTOR VEHICLES WITHIN THE TOWN OF SULLIVAN

The Town Board of the Town of Sullivan does ordain as follows:

#### SECTION 1. TITLE

This ordinance is entitled: Town of Sullivan Inoperative and Junk Vehicle and Unregistered Vehicle Ordinance.

#### SECTION 2. FINDING OF NECESSITY, STATEMENT OF INTENT AND DECLARATION OF NUISANCE.

- 2.1 This ordinance is adopted to promote the health, safety, welfare and convenience of the public in the Town of Sullivan.
- 2.2 The Town Board of the Town of Sullivan finds that the placing or maintaining of inoperative and junk vehicles, vehicle parts and unregistered motor vehicles outside of enclosures within the Town of Sullivan poses a threat to the health, safety, welfare and convenience of the public in the Town of Sullivan.

The Town Board of the Town of Sullivan finds that such items are likely to collect water, which is a breeding ground for mosquitoes and other insects. They can harbor rodents and other unsanitary or disease carrying creatures. They often result in the leakage of hazardous substances such as gasoline, oil, antifreeze and battery acids onto the ground, which may in turn contaminate soil and surface/ground water. They posed an attractive nuisance for children, which can result in injury or death to young children playing in, around, on top of or under them.

Accordingly, the Town Board declares inoperative and junk vehicles, vehicle parts and unregistered vehicles stored outside of enclosed buildings to be public nuisances.

#### SECTION 3. AUTHORITY

This ordinance is enacted by the Town Board of the Town of Sullivan as an exercise of its power under Sec. 61.34 Wisconsin Statutes, its home rule authority and its Village Powers as adopted by ordinance.

#### **SECTION 4. DEFINITIONS**

When used in this ordinance, the following definition shall apply:

1. **APPLICATION** shall mean a written request for a permit. (As defined below)
2. **ENCLOSED** shall mean located completely within an enclosure
3. **ENCLOSURE** shall mean a building having four or more wall and a roof, which in the aggregate completely enclose a space on all sides and overhead,
4. **INOPERATIVE VEHICLE** shall mean any motor vehicle that while not a junk vehicle (as defined below), is nevertheless incapable of being started, run and driven in the condition in which it currently exists.
5. **JUNK VEHICLE** shall mean any motor vehicle that is incapable of operation or use upon a highway and that has no resale value, except as a source of parts or scrap or any motor vehicle for which an insurance company has taken possession or title, if the estimated cost of repairing the vehicle exceeds its fair market value.
6. **MOTOR VEHICLE** shall mean any motor vehicle that is required to be registered and licensed by the Wisconsin Department of Transportation when driven or propelled upon a public roadway.
7. **VEHICLE PARTS** shall mean items that are component parts of a vehicle such as engines, transmissions, wheels, tires, doors, body panels, frames, seats, gas tanks, batteries and other such components.
8. **OWNER** shall mean the person who or entity which holds legal or equitable title to the parcel of land upon which junk vehicles, vehicle parts or unregistered motor vehicles are stored.
9. **OCCUPANT** shall mean the person(as defined below) who occupies the real estate on which such Inoperative or Junk Vehicle, Vehicle Parts or Unregistered Motor Vehicle (as defined below) is or are stored, regardless of whether such person is responsible for such Inoperative or Junk Vehicle, Vehicle Parts or Unregistered Motor Vehicle.
10. **PERMIT** shall mean an authorization by the Town Board (as defined below) to allow temporary storage, for a limited period of time, of an Inoperable Vehicle or Unregistered Vehicle outside of an enclosure within the Town of Sullivan for a period not to exceed ninety(90) days, in accordance with this ordinance. A permit shall be designated as a "Vehicle Temporary Storage Permit".
11. **PERSON** shall mean a natural person or any other legally existing entity, including but not limited to a corporation, limited liability company, partnership, trust or voluntary association.
12. **STORE** shall mean to park, place, keep maintain or allow to exist.
13. **UNREGISTERED MOTOR VEHICLE** shall mean a motor vehicle that is required to be registered and licensed by the Wisconsin Department of Transportation when driven or propelled upon a public road, but that is not currently so registered or licensed.
14. **TOWN BOARD** shall mean the Town Board of the Town of Sullivan, Jefferson County, Wisconsin

#### **SECTION 5. PROHIBITED CONDUCT**

1. Except as provided under Section 6 below, no person shall store and Junk Vehicle, Inoperative Vehicle or Vehicle Parts upon any public or privately owned real estate located in the Town of Sullivan, unless such Junk Vehicle, Inoperative Vehicle or Vehicle Parts are completely enclosed within an enclosure.

2. No person shall store more than one(1) intact but Unregistered Motor Vehicle on any publicly or privately owned real estate located in the Town of Sullivan, unless such Unregistered Motor Vehicle is completely enclosed within an enclosure.

#### **SECTION 6. TEMPORARY PERMITS TO STORE INOPERATIVE VEHICLES UNDERGOING REPAIRS.**

1. A person may apply to the Town Board for a permit for an Inoperative Vehicle if the necessary repairs will be completed within ninety (90) days. No permit shall be issued for any Inoperative Vehicle unless such Inoperative Vehicle is registered and displays current registration plates and/or sticker at the time of application.
2. A permit may be issued at the discretion of the Town Board, which may place such a condition upon the permit as it deems appropriate.
3. An application for a Permit shall:
  - Identify the property upon which the Inoperative Vehicle will be stored.
  - Identify the Inoperative Vehicle by Make, Model, Color, Registration Plate number and VIN (Vehicle Identification Number)
  - Identify the Owner(s) of the Inoperative Vehicle
  - Describe the general nature of the repairs to be made to the Inoperative Vehicle
  - Verify that the repairs will be completed within the ninety(90) day period
  - Be signed in Ink by either the Vehicle Owner or Occupant of the property upon which the Inoperative Vehicle, that is the subject of the Permit, will be stored
4. The applicant for the Permit shall appear before the Town Board at the time when the Town Board considers the application and shall answer any questions of the Town Board related to the application. Failure to appear shall be grounds for denial of the Permit.
5. After consideration of such application, the Town Board may grant a Permit, in written form prescribed by the Town Board.
6. Application for a Permit shall be filed with the Town Clerk at least Ten (10) days prior to the next regularly scheduled meeting of the Town Board. If not so timely filed, consideration of the application may, at the discretion of the Town Board, be put over until the next Town Board meeting.
7. A Permit Fee of \$ 25.00 per Inoperative Vehicle shall be paid to the Town Clerk before such Permit is heard/issued. Failure to pay such fee shall invalidate the action of the Town Board.

#### **SECTION 7. ENFORCEMENT AND PENALTIES**

1. Enforcement of this ordinance shall be administered and enforced by the Town Board or its employees. Primary enforcement contact will be the Town Operations Manager.
2. Imposition of Forfeiture for Violations
  - Any person who, or partnership, corporation, limited liability company, trust, voluntary association or other legal entity, and any managing member of a limited liability company or any trustee of a trust that shall violate any section of this ordinance shall first receive from the Town of Sullivan a warning of the violation, in written form prescribed by the Town Board, and shall be allowed thirty(30) days, tolled from the date of personal service of such written warning, to correct such violation before any forfeiture is imposed.

- Any person who, or partnership, corporation, limited liability company, trust, voluntary association or other legal entity, and any managing member of a limited liability company or any trustee of a trust that has received a written warning of a violation, as required under Section 7.2, and continues to violate such ordinance after the expiration of the thirty(30) day warning period, shall forfeit to the Town of Sullivan an amount \$ 249.00 per violation, along with the costs of prosecution and any applicable assessments. Each day after the violation continues constitutes a separate violation, and will be assessed as such.
- In the event that such forfeiture, cost and applicable assessments are not paid, any natural person adjudged liable for such forfeiture in accordance with Section 7 above, may upon court order of the Municipal Court, be imprisoned in the Jefferson County jail until such forfeiture, costs and applicable assessments are paid in full, but not more than 180 days.
- **OTHER REMEDIES AVAILABLE.** In addition to the imposition of forfeiture, the Town of Sullivan may, in circumstances it deems appropriate, bring proceedings to enjoin any violation of this ordinance or of State Law. No such proceedings shall be deemed waived by the imposition of forfeiture for the same violation, and the pursuit of injunctive or other remedies shall not be deemed a waiver by the Town of Sullivan of its right to seek forfeiture for the same violation.

#### **SECTION 8. CONFLICT; SEVERABILITY; DEFINED TERMS**

- **CONFLICT.** If any portion of this ordinance, as the same may be from time to time amended, is found to be in conflict with any other provision of the Wisconsin Statutes, Wisconsin Administrative Code or of Federal Law or regulation, such provision of State or Federal Law shall control.
- **SEVERABILITY.** The provisions of this ordinance, as the same may be from time to time amended, are declared to be severable, and if any section, subsection, sentence, clause or phrase of this ordinance or its application to any person or circumstance shall be held invalid by any court of competent jurisdiction, the remainder of the ordinance, or the application of the provisions to other persons or circumstances, nevertheless shall remain in full force and effect.
- **DEFINED TERMS.** Capitalized terms used in this ordinance that are defined in Section 4 of this ordinance shall have the meanings set forth in said Section 4.

**SECTION 9. EFFECTIVE DATE**

- **This ordinance shall be in full force and in effect from and after thirty (30) days from the date of its passage and publication.**

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Votes in favor: \_\_\_\_\_

Votes Opposed: \_\_\_\_\_

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**Town Board Chairman**

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**Town Clerk**

Date Published \_\_\_\_\_, 2020