

ORDINANCE # 36
JUNKED VEHICLES

STATE OF WISCONSIN

Town of Namakagon

Bayfield County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon Junked Vehicle Ordinance. The purpose of this ordinance is for the Town of Namakagon to regulate by permit and penalty the storing of certain junked vehicles in the Town of Namakagon.

SECTION II – AUTHORITY

The Town Board of the Town of Namakagon has the specific authority under s. 175.25, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of storage of certain junked vehicles in the town.

SECTION IV – DEFINITIONS

- A. "Junked vehicle" means 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 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" means parts from a junked vehicle.
- C. "Motor vehicle," means a vehicle that was, at the time of its manufacture, self-propelled.

- D. "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.

- E. "Town" means the Town of Namakagon, Bayfield, County, Wisconsin.
- F. "Town board" means the board of supervisors for the Town of Namakagon, Bayfield County, Wisconsin, and includes designees of the board authorized to act for the board.
- G. "Town clerk" means the clerk of the Town of Namakagon, Bayfield County, Wisconsin.
- H. "Vehicle" means 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 s. 29.001 (16), Wis. stats.
 2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
 3. "Antique vehicles" as described in s. 341.265, Wis. stats.
 4. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
 5. "Boats" as defined in s. 29.001 (16), Wis. stats.
 6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
 7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
 8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
 9. "Hobbyist or homemade vehicles" as defined in s. 341.268, Wis. stats.
 10. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.
 11. "Implements of husbandry" as defined in s. 340.01 (24), Wis. stats.
 12. "Manufactured homes" as defined in s. 101.91 (2), Wis. stats.
 13. "Mobile homes" as defined in s. 340.01 (29), Wis. stats.
 14. "Mopeds" as defined in s. 340.01 (29m), Wis. stats.
 15. "Motor bicycles" as defined in s. 340.01 (30), Wis. stats.
 16. "Motor buses" as defined in s. 340.01 (31), Wis. stats.
 17. "Motor homes" as defined in s. 340.01 (33m), Wis. stats.
 18. "Motor trucks" as defined in s. 340.01 (34), Wis. stats.
 19. "Motorcycles" as defined in s. 340.01 (32) , Wis. stats.
 20. "Railroad trains" as defined in s. 340.01 (48), Wis. stats.
 21. "Recreational vehicles" as defined in s. 340.01 (48r), Wis. stats.
 22. "Road machinery" as defined in s. 340.01 (52), Wis. stats.
 23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.

24. "Salvage vehicles" as defined in s. 340.01 (55g), Wis. stats.
25. "School buses" as defined in s. 340.01 (56), Wis. stats.
26. "Semi trailers" as defined in s. 340.01 (57), Wis. stats.
27. "Snowmobiles" as defined in s. 340.01 (58), Wis. stats.
28. "Special interest vehicles" as defined in s. 341.266, Wis. stats.
29. "Trailers" as defined in s. 340.01 (71), Wis. stats.
30. "Truck tractors" as defined in s. 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.

I. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI – COVERAGE

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, 1 or more junked vehicles or junked vehicle parts outside of any building on any real estate located within the town .

SECTION VII – PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$10,000, 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.

SECTION X – 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.

SECTION XI – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 9th day of August, 2011.

Town Chairman

Supervisor

Supervisor

Town Clerk