

PUBLIC NUISANCES – JUNK MOTOR VEHICLES AND JUNK

THE TOWN BOARD OF THE TOWN OF MENOMONIE DOES ORDAIN AS FOLLOWS:

Section 1. The Junk Ordinance enacted September 9, 1993 is hereby repealed and recreated as follows:

Section 2. An ordinance titled Public Nuisance regarding Motor Vehicles, Motor Vehicle Accessories and Junk is hereby created as follows:

A. PUBLIC NUISANCES REGARDING MOTOR VEHICLES, AND JUNK

1. The following are declared to be public nuisances wherever they may be found within the Town of Menomonie:

- a. Storage of abandoned or junked motor vehicles or motor vehicle accessories as defined in definitions.
- b. Storage of junk as defined in definitions.

2. Definitions.

- a. “Junked motor vehicle” means any motor vehicle which is partially dismantled, discarded or wrecked or scrapped or ruined motor vehicle parts thereof, an unregistered mobile home, not connected to water and/or sewer, and does not comply with Wis. Admin. Code Trans 305.
- b. “Motor Vehicle” means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, etc. Functional vehicles and equipment used for agricultural and construction operations are excluded from this definition, as defined in Sec. 340.01, Wis. Stats.
- c. “Motor vehicle accessories” means any part or parts of any motor vehicle.
- d. “Abandoned motor vehicle” means two (2) or more motor vehicle which, through disuse and failure to be used, remains in one location for a period of thirty (30) days or more, or a motor vehicle which has been reported as stolen to any Law Enforcement Agency, or a motor vehicle which does not have affixed a current motor vehicle license.
- e. “Person” includes any individual, firm, partnership, or corporation.
- f. “Private Property” means any real property not owned by the Federal, State, County or Village government, School District, or other public subdivisions.
- g. “Removal” means the physical relocation of a motor vehicle to an authorized location.
- h. “Junk” means any worn out or discarded material of little or no value, use, including but not limited to, household appliances or parts thereof. Including furniture, waste, trash, construction debris, plumbing fixture or any other unsightly debris, the accumulation of which has an adverse effect upon health, safety or general welfare of others.

- i. “Traveled way” means that portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.
- j. “Abutting property owner” means any person or person, corporation or other entity that owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another.
- k. Town of Menomonie, hereinafter referred to as “Town”.

3. Storage Prohibited.

- a. No person owning or having custody of any junked motor vehicle, abandoned motor vehicle, or motor vehicle accessories or junk shall store or permit any such vehicle or accessories or junk to remain on any private property within the Town for a period of more than thirty (30) days. No person owning any private property in the Town shall store or permit to remain any such junked or abandoned motor vehicle or motor vehicle accessories or junk on his property for more than thirty (30) days. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this ordinance.
- b. No person, after notification to remove any abandoned motor vehicle, junked motor vehicle or motor vehicle accessories, or junk defined under definitions, from any private property has been given pursuant to this ordinance, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.
- c. No person or property owner, after notification to remove any abandoned motor vehicle, junked motor vehicle or motor vehicle accessories or junk from any private property, has been given pursuant to this ordinance, shall within six (6) months of said prior notification again store or permit any such vehicle or accessories to be on private property, such storage is declared to be a public nuisance and may be abated, or removed, and penalties imposed as provided in this section.

4. Storage Permitted. This ordinance shall not apply to:

- a. Any junk or junked motor vehicle or motor vehicle accessories or any abandoned motor vehicle stored inside an enclosed building or outside within a fence creating a complete, opaque enclosure (woven material or chain link fences may not be used) at a height of no less than eight (8) feet of the material being fenced. No more than three (3) motor vehicles may be stored outside in an approved enclosure. Junk or junk motor vehicles stored outside can’t be visible from the traveled way of a highway or town road or to an abutting landowner from that portion of the abutter’s land used on a regular basis. Any such item so placed, discarded, or abandoned is hereby declared to be a public nuisance.
- b. Any licensed automobile salvage yard in properly zoned district.

- c. Any salvage yard in properly zoned district, or auto repair and/or auto body shops in a properly zoned district, but this section shall not apply to automobile service stations or tire, battery and accessory sale stores.
 - d. Any junk, junked motor vehicle or motor vehicle accessories, or abandoned motor vehicle for which an exception permit was issued prior to January 1, 2008.
5. Investigation of Premises. The Sheriffs Department, or a member of the Town Board, or upon receipt of a complaint from any other person, may investigate a suspected abandoned motor vehicle, or motor vehicle accessories or junk and record the make, model, style, and identification numbers and its situation.
6. Notice of Removal. Notwithstanding any other provisions in this ordinance regarding enforcement of public nuisances, whenever the Town Chairman or any member of the Town Board, shall find or be notified that any junk, abandoned motor vehicle, junked motor vehicle or motor vehicle accessories has been stored or permitted to remain on any private property within the Town, other than those permitted instances described herein, the Town Board shall give notification by certified mail or personal service; (1) to the owner of record of such abandoned or junked motor vehicle or motor vehicle accessories, if such owner can be ascertained by the exercise of reasonable diligence, or (2) to the owner of the private property, as shown on the tax assessment records of the Town, on which the same is located, to remove the junk, junked motor vehicle, abandoned motor vehicle, or motor vehicle accessories within thirty (30) days. The officer shall document time, date and place of service of the notice. Such notice shall also contain the following information:
- a. Nature of complaint.
 - b. Description and location of the motor vehicle and /or motor vehicle accessories or junk.
 - c. Statement that the motor vehicle or motor vehicle accessories, or junk shall be removed from the premises no later than thirty (30) days from the date of notification.
 - d. Statement that the removal from the location specified in the notification to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalty.
 - e. Statement that when removal is made within the time limits specified, notification shall be given in writing of such removal to the Town Board.
 - f. Statement of the penalties provided for if there is non-compliance with such notice.

If the owner of record of the private property on which such junked abandoned motor vehicle or motor vehicle accessories, or junk are located cannot be so notified in person and/or if such owner of record of such junked or abandoned motor vehicle or motor vehicle accessories cannot be so notified via certified mail, personal service will be obtained by either delivering notice in person or leaving service at the owner's residence or over the age of fourteen (14) occupant of said residence.

7. Penalties. Each and every violation of the provisions of this ordinance shall constitute a separate offense, and each and every day any provision of this ordinance is violated shall constitute a separate offense for which forfeiture may be imposed.

B. ABATEMENT OF PUBLIC NUISANCES

1. Summary Abatement.

- a. Notice of Owner. If the inspecting officer determines that a public nuisance exists within the Town and that there is a danger to public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period of thirty (30) days and shall state that unless nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.
- b. Abatement by Town. If the nuisance is not abated within the time proved or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

2. Abatement by Court Action. If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Town Chairman who, upon direction of the Town Board, shall cause an action to abate such nuisance to be commenced in the name of the Town in Dunn County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

3. Court Order. Except where necessary under Subsection (a), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

4. Other Methods Not Excluded. The Town or its officials in accordance with the laws of the State of Wisconsin shall construe nothing in this ordinance as prohibiting the abatement of public nuisances.

C. COST OF ABATEMENT

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the costs of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

D. ENFORCEMENT; PENALTY

1. Enforcement. The Town Chairman or Town Board shall enforce the provisions of this ordinance that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under B. above to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
2. General Penalty. Any person who shall violate any provision of this ordinance shall be subject to a penalty as follows: \$10.00 per day commencing thirty (30) days after notice of the violation.

Section 3. This ordinance shall take effect upon the day after its publication as provided in Section 61.50(1), Wisconsin Statutes.

INTRODUCED Francis Eiseth

APPROVED THIS 13th DAY OF MARCH 2008

APPROVED BY: (s) Frank Bammert
Frank Bammert

(s) Francis Eiseth
Francis Eiseth

(s) Neil Koch
Neil Koch

PASSED MARCH 13, 2008

PUBLISHED MARCH 23, 2008

ATTEST (s) Leslie Hulbert
TOWN CLERK