

**TOWN OF CATO
MANITOWOC COUNTY, WISCONSIN**

CHAPTER 4: JUNKED MOTOR VEHICLE ORDINANCE

SECTION I – TITLE/PURPOSE

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

SECTION II – AUTHORITY

The town board of the Town of Cato has the specific authority under s. 175.25, Wis. Stats. and general authority under its village powers to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

The town board of the Town of Cato, by this ordinance, adopted with a quorum and by a vote by a majority of the town board present and voting, provides the authority for the town to regulate and permit storage of certain junked motor vehicles in the town.

SECTION IV – DEFINITIONS

- A. "Junk Parts" means parts from a motor vehicle dismantled for parts or scrapped.
- B. "Junked motor vehicle" means a 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 a vehicle that an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.
- C. "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, that is self-propelled except a vehicle operated exclusively on a rail, with or without a current registration issued by the State of Wisconsin or other state to the owner of the vehicle.
- CC. "Person" means an individual, corporation, partnership, limited liability company, limited liability partnership, association, or any other entity.
- D. "Town" means the Town of Cato, Manitowoc, County, Wisconsin.
- E. "Town board" means the board of supervisors for the Town of Cato, Manitowoc County, Wisconsin and includes designees of the board authorized to act for the board.
- F. "Town clerk" means the clerk of the Town of Cato, Manitowoc County, Wisconsin.

- G. "Wis. Stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V – COVERAGE

- H. No person, unless exempt under Section VII of this ordinance, may accumulate or store any junked motor vehicle or junk parts within 500 feet of the center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway without obtaining a junked motor vehicle permit from the town.
- I. The town, having village powers, requires all other persons storing junked motor vehicles or junked parts, unless exempt under Section VII, to obtain a junked motor vehicle permit regardless of the junked motor vehicle or junked motor vehicle parts in the town.
- J. The fee for issuance of a junked motor vehicle permit shall be established by resolution of the town board at not less than \$20.00 nor more than \$100.00 per permit. The fees may be revised from time to time by the town board. The term of the permit shall be from the date of the year of issue to June 30 of the next year. The permit shall be issued by the town board prior to any person accumulating or storing any junked motor vehicle or junk parts in the town subject to this ordinance.

SECTION VI – APPLICATION/PERMIT

The application and permit shall designate the legal premises in the town subject to the permit. The permit may be amended without charge if the permittee changes premises in the town. However, the permit is not transferable from one person to another. The application and permit shall contain the following:

- K. The name and address of the applicant.
- L. The address of the subject premises.
- M. The premises telephone number, if any, and the residential telephone number of the applicant, if any.
- N. (Purposefully blank)
- O. The legal description of the premises.
- P. The manner of storing and transporting junked motor vehicles and junk parts.
- Q. The projected number of proposed junked motor vehicles and the number of years for accumulation, storage, and removal of these motor vehicles.

SECTION VII – EXEMPTIONS

Persons are exempt from this permit requirement if they meet the specific requirements of s. 175.25(4), Wis. Stats., as determined by the town board. Moreover, any person with less than two (2) junked motor vehicles owned or controlled by that person and stored on the premises owned or leased by that person in the town, where the vehicles are not registered by the State of Wisconsin or any other state, shall be exempt from this ordinance.

SECTION VIII – ORDINANCE/PERMIT PROVISIONS

- R. Persons subject to this ordinance shall comply with ss. 84.31 regulating junk yards and 175.25 regulating the storage of junked automobiles, Wis. Stats.
- S. The applicant, permittee, and any other person subject to this ordinance are subject to all of the following:
 - 1. No person shall be issued or reissued a junked motor vehicle permit in the town until the appropriate application fee has been paid to the town clerk.
 - 2. No person shall be issued or reissued a junked motor vehicle permit in the town who has failed to properly and fully complete and submit to the town clerk the application form as developed and provided by the town.
 - 3. No person shall be issued or reissued a junked motor vehicle permit, and a permittee may have the permit revoked after a public hearing by the town board, if the applicant for the junked motor vehicle permit or permittee has done any of the following:
 - a. Failed to install and maintain fences on the premises as determined by the town board.
 - b. Failed to prevent and remove inappropriate advertising on the fences at the premises as determined by the town board.
 - c. Failed to install and maintain adequate fire safety equipment on the premises as determined by the town board.
 - d. Failed to properly drain all motor vehicle tanks and engines on the premises as determined by the town board.
 - e. Failed to install, provide, and maintain adequate sanitary facilities on the premises as determined by the town board.
 - f. Failed to comply with operational hours at the premises as determined by the town board.
 - g. Failed to install, provide, and maintain adequate and necessary physical structures and equipment and personnel as determined

by the town board and failed to comply with conditions, rules, and safeguards as determined by the town board to prevent public nuisances and to protect the public health and safety to persons residing near the premises or persons entering the premises, including public nuisances at the premises associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.

- h. Failed to comply, as determined by the town board, with any town or county zoning ordinances.
- i. Failed to prevent open fires or burning of solid waste or hazardous waste at the premises. This includes the burning of any motor vehicles and motor vehicle parts.
- j. Failed to install, provide, and maintain adequate landscaping surrounding the premises as determined by the town board.
- k. Failed to provide and maintain adequate security and operational personnel to prevent trespassing onto the premises.
- l. Failed to limit the number of junked motor vehicles on the premises as authorized by the town board in the permit.
- m. Failed to install and maintain adequate physical structures and operational controls as determined by the town board to prevent trespassing, littering, and to prevent private nuisances on private and public lands adjacent to the premises.
- n. Failed to provide adequate personnel, as determined by the town board, to remove noxious weeds, standing water, and other debris during and after daily operations at the premises.
- o. Failed to allow physical access to the premises by the town board or its designee for inspection purposes upon 24 hours notice to the applicant or permittee.

SECTION IX – 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 \$50.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered 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 of application, and to this end, the provisions of this ordinance are severable.

SECTION XI – EFFECTIVE DATE

This Ordinance is effective on passage and publication as required by law.