

**Town of Dayton
Vehicle Ordinance 111302-2**

Section 1: Title/Purpose

This ordinance is entitled the Town of Dayton Junk car and unlicensed automobiles ordinance:

Whereas the intent of this ordinance, in addition to aesthetics, is to provide the Town of Dayton with conditions that will protect, improve public safety, protect and improve public health and limit public nuisances as unlicensed vehicles and junked automobiles that contain gasoline, oil, antifreeze and batteries. They can be a harbor for rats and other rodents. With these conditions, these vehicles are presumed by the Town to be a public nuisance.

AN ORDINANCE to control the placement of unlicensed automobiles motor vehicles, trucks recreational vehicles and junked automobiles.

Section 2: Authority

The town board of the Town of Dayton has the specific authority, powers and duties pursuant to Sec. 60.61 Wis. Statutes to the specific statutory sections noted in this ordinance.

Section 3: Adoption of Ordinance

The town board of the Town of Dayton has by adoption of this ordinance confirmed the specific statutory, powers and duties noted in the specific sections of this ordinance.

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

DEFINITIONS:

Motor Vehicle- means any vehicle that is or may be propelled upon the public highway.

Licensed- means any license that is required to be carried by any motor driven vehicle when driven, used, or propelled upon the public highways in Wisconsin

Junked Automobile- means any junked vehicle as defined in State Statute 340.25.

Application – a written form upon which a request is made for a permit.

Permit- the written authority given by the Town Board to allow storage of unlicensed motor vehicles and junked automobiles.

Storage- means the placement of the vehicle automobile upon any parcel of real property described in the Town of Dayton assessment and tax roll for a period of time exceeding 180 days in any calendar year.

Unlicensed Motor Vehicle – means one which is required to be licensed by the State of Wisconsin Department of Transportation when driven or propelled upon a public road, but is not so licensed.

Enclosure – is the type of building, fence, or improvement to hide and harbor vehicles from the public view and to protect the public health and safety.

Owner- considered being the person or persons who hold legal land title to the parcel of land upon which unlicensed motor vehicle(s) or junked automobile(s) are stored or are to be stored.

Occupant – considered being the person or persons who occupy the premises and who may or may not be the responsible person or persons that store such unlicensed motor vehicle or junked automobile.

SECTION 4: ORDAINED

No unlicensed motor vehicle, except as noted below, shall be permitted by any owner or occupant to be stored upon a parcel of real property in the Town of Dayton without a proper permit issued by the Town Board for that purpose. Pursuant to State Statute 175.25, no owner occupant and other person, firm, partnership or corporation shall accumulate or store any junked automobiles or parts thereof outside of any building on any real property located in the Town of Dayton except upon a permit issued by the Town Board.

No storage or accumulation of such material outside any building shall be allowed within 750 ft of the centerline of any county, state or federal highway or within 500 ft of the centerline of any Town road except upon a permit issued by permission of the Town Board.

- A. The Town Board is authorized to issue permits to store unlicensed motor vehicles or junked automobiles upon a parcel of property when certain building and enclosure conditions and requirements established by the Town Board have been met.
- B. The Type of building or fence enclosure to keep such stored material, junked automobiles and unlicensed vehicles from the general view of a passing public and to protect public health and safety shall be determined by the Town Board.
- C. All dealers and dealerships licensed under the State Statute 218 shall be exempt from this ordinance, wrecker service business and garage and body shop business shall be exempt regarding the permit requirement.
- D. One unlicensed vehicle stored shall be exempt for a period of the first six months of storage.

SECTION 5: Permits Required

- A written permit to store junked automobiles or unlicensed motor vehicles shall be issued upon proper application having been made, and only after the applicant has met all the requirements and conditions established by the Town Board for the permit and this ordinance including but not limited to of any conditions, erected and maintained by the owner or occupant of the property.
- B. A written permit form shall be furnished to the permittee when a permit has been authorized to be issued by the Town Board.
- C. Written application forms shall be furnished to any person (applicant) upon request.
- D. Applications for an “Unlicensed Motor Vehicle or Junked Automobile Storage Permit” shall be filed with the Town Clerk at least 10 days prior to the next regular scheduled meeting of the Town Board.
- E. Any complete application as determined by the Town Board for an “Unlicensed Motor Vehicle or Junked Automobile Storage Permit” may be acted upon in 60 days after it was filed with the Town Clerk

- F. If the Permit is issued, such a permit may be issued for a maximum period of five years. (The Town Clerk will keep the permit records up dated yearly.) A new permit application may be required a least every 5 years.
- G. If the Permit is denied, the Permit will not be issued and the Town Board should cause the applicant of such denial and the reason or reason so stated for the denial.
- H. A Permit fee of \$30.00 shall be required to be paid into the town treasure before such a Permit is actually issued per vehicle.
- I. An application for an " Unlicensed Motor Vehicle or Junked Automobiles Storage Permit " must bear the signature of either the owner or occupant of the property upon which the Permit will be issued.

SECTION 6: ENFORCEMENT

- A. Violators will be prosecuted under State Statute 175.25 and its successor provisions and this ordinance.
- B. The enforcement of this ordinance will be the responsibility of Richland County Sheriff's department and the Town of Dayton.
- C. The town will send a certified letter to the property owner stating they are in violation of the junked car/unlicensed ordinance and a copy will be sent to the Richland County Sheriffs Dept.

SECTION 7: PENALTY

- A: A Permit to store unlicensed motor vehicles or junked automobiles may be revoked at any time by the Town Board if it is determined that such Permit holder is not in compliance with the terms of this ordinance and/ or conditions attached to the permit.
- B. Any owner, occupant, person or persons violating any provision of this ordinance and /or conditions of any Permit issued under the ordinance shall forfeit a sum of money not to exceed \$50.00 per offense plus court cost. Each day that an unlicensed vehicle or junked automobile is stored contrary to the conditions of this ordinance shall constitute a separate and distinct offence.

SECTION 8: Effective date

This ordinance shall be in full force and in effect from and after one week from the date of passage and posting of this ordinance and proof of such posting is filed in the official town records of the Town Clerk.

Passed and approved this
13 day of November 2002

Filed this _____ day of
November _ 2002.

Richard Waslick
Chairperson:

Betty Haulik
Clerk:

Kurt Monson

James Lingel

Supervisor:

Supervisor:

Rev. Aug. 25, 2002