

4.08 LICENSING OF COMMERCIAL SALVAGE YARDS AND RECYCLING CENTERS.

(1) Purpose. The Village of Boaz concludes that it is in the public interest to regulate, by ordinance, the commercial storage and disposal of automobiles, tires, junk, recyclables and other waste products to control the existence of unlicensed junk yards, tire piles and dumps of similar miscellaneous materials within Village of Boaz. Unlicensed operation of salvage yards and similar operations presents a threat to the public health and safety of the citizens of Village of Boaz and to the natural environment and property values of Village of Boaz.

(2) Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted as having the same meaning as they have in common law, the Wisconsin Statutes or Wisconsin Administrative Code, to give this section its most reasonable application. Words used in the present tense include the future, and vice-versa. Words used in the singular include the plural, and vice-versa. The word "shall" is always mandatory, the word "may" is always permissive.

(a) "Junk" means any of the following junk materials:

- (i) Any junk or scrap metal.
- (ii) Any junk or scrap wood.
- (iii) Junk metal alloy.
- (iv) Junk synthetic or organic material.
- (v) Two or more junked, ruined dismantled or wrecked motor vehicles or machinery or parts thereof.
- (vi) A collection of ten (10) or more used tires that are not being put to a use.
- (vii) Unusable appliance(s).
- (viii) All or parts of dismantled buildings or structures that were not originally parts of the land's principal or accessory buildings and have not been reconstructed within six months of their deposit on the land. (i.e. Dismantled buildings or parts thereof, that are or were imported or relocated to a site are junk on that site.)
- (ix) All or parts of dismantled buildings or structures that were originally part of the land's principal or accessory use which have been destroyed by act of man or nature and have been dismantled or destroyed for more than 18 months.
- (x) Cans, bottles and other postconsumer waste.

(b) "Illegal Junk Yard" means any place other than a licensed junk yard, which is maintained, owned, operated or used for the commercial storage, keeping, processing, buying or selling of junk outside of buildings.

- (c) "Screened" means hidden from view in a manner that is compatible with the surrounding environment and in accordance with standards established by the Village Board.

(3) Prohibited Activities. No person, group of persons, company, firm, corporation or any other entity shall, without a license from the Village, within the Village of Boaz:

- (a) Operate an illegal junk yard; or
- (b) For gain or hire, store or dispose of any junk as defined by this section except in accordance with all applicable state and local regulations.
- (c) All illegal junk yards in violation of this section are public nuisances.

(4) Exceptions.

- (a) This section is not intended to regulate or place limitations on non-commercial storage of material, nor to any legally licensed junk yard, salvage dealer, sanitary landfill or other junk, waste disposal or storage activity for which a valid license from the State of Wisconsin and/or other necessary municipal issuing authority is required and has been issued and all such licenses are in full force and effect.
- (b) Nothing in this section is intended to prohibit the storage of idle but operable farm equipment.

(5) Licensed Operations.

- (a) The owner of every salvage yard in the Village shall annually apply for a license to operate the salvage yard. There shall be a \$75 fee for the license. The license shall be issued by the Village Clerk-Treasurer if there are no pending complaints against the owner.
- (b) A license, when issued, shall be valid for a calendar year. The license shall expire at midnight on December 31 of each year.
- (c) Every owner of a licensed salvage yard shall be responsible for picking up or removing any material, waste or debris which is found outside the salvage yard property as the result of the action of wind or spillage from transport vehicles.
- (d) Every salvage yard owner and operator shall use all necessary precautions to assure that gasoline, oil, solvents and other chemicals are removed from junk which is in storage or otherwise act to prevent contamination of the soil and/or groundwater.

- (e) The license issued hereunder does not authorize the salvage yard operator to accept solid waste or garbage or constitute approval of the salvage yard as a landfill.
- (f) Screening and hours of operation shall be established by the Village Board so that the salvage yard and its operations are compatible with the surrounding environment.

(6) Administration and Enforcement.

- (a) Code Enforcement. The Village of Boaz Board of Trustees hereby assigns the duties of administering this subsection of this section to the Village Board.
- (b) Persons shall allow access to the Village Board or Village staff to their property for the purposes of enforcing this section.
- (c) Any written complaints filed with the Village shall be referred to the Village Board for consideration at the next meeting of the Board. At that meeting, the Board shall determine whether or not the complaint warrants investigation, or requires immediate response to protect the public health or safety. If the Board determines that the complaint relates to conditions at the salvage yard which may be an immediate threat to public health or safety, the Board may order the salvage yard owner or operator to cease and desist the offensive activity pending further investigation. If the Board determines that a complaint should be investigated, the Board shall designate an individual or individuals, or the Village's building inspection firm, to investigate the complaint and report to the Village Board. Upon receipt of the results of the investigation, the Village Board may decide to issue a written order to the salvage yard owner or operator directing the owner or operator to correct any violations or unacceptable conditions identified in the inspection report. If the owner or operator fails to correct the violation or unacceptable condition, the Village Board may act under subsection (7) to enforce the section.

(7) Violations and Penalties.

- (a) Whenever a violation of this section is found, the Village Board may take one or more of the following actions:
 - (i) Order the violation corrected by the property owner by removal and proper disposal of the material within a specified period ranging from one (1) to thirty (30) days; or

- (ii) Issue a citation for violation of this section pursuant to this section;
or
 - (iii) When violations are initiated and pursued by the Village Board proper legal action shall be brought through the Village Attorney, which may include injunctive relief, and additional forfeiture actions through the process of summons and complaint or other proper legal recourse.
- (b) The Village of Boaz may ask the Circuit Court, upon the petition of and at the request of the Village of Boaz, to order removal of the violating junk, vehicles, tires, etc., at Village of Boaz expense. The Village of Boaz shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the Village of Boaz may place the amount of the invoice on the tax rolls as a special charge against the property in question.
- (c) Injunctive relief can also be requested requiring the property owner or other party in possession of the property to remove the violating junk, vehicles, tires, etc., and have those items properly stored or disposed of and any Village of Boaz cost incurred in the removal of such items be assessed against the violating possessor of that property and/or owners.
- (d) Any person, firm, corporation or other legal entity failing to comply with the provisions of this section shall, upon conviction, forfeit not less than \$75 nor more than \$500, plus costs of the prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. The bond amount for an initial violation shall be \$100 together with court costs and the bond amount for a second violation or subsequent violations within twelve months of an initial violation shall be \$250.00 together with court costs.