CHAPTER 12

INOPERABLE MOTOR VEHICLES AND JUNK

12.01 Purpose and intent. The purpose and intent of this section is to protect the health, safety and welfare of Trempealeau County residents and eliminate the inappropriate and unnecessary keeping and storage of inoperable motor vehicles, motor vehicle accessories and junk on public and private property.

12.02 Definitions. For the purpose of this chapter the following definitions shall be applicable:

(1) "Inoperable motor vehicle" means any motor vehicle which satisfies one or more of the following criteria:

(a) That is partially dismantled or wrecked;

(b) That is not operable;

(c) That is unlicensed;

(d) That could not be safely or legally operated on a highway;

(e) That has become a habitat for rodents, vermin and insects;

(f) That in any other way constitutes a threat to public health, safety and welfare; or

(g) That has not been moved for a continuous period of more than 45 days.

(2) "Junk" means items such as bottles, rags, paper and paper products, tires, barrels and other containers, inoperable appliances and other materials, including but not limited to worn out or discarded materials, whether owned, abandoned, purchased or donated and whether they are being kept or stored for purposes for sale or resale or for other purposes.

(3) "Motor vehicle" means any self-propelled land vehicle which can be used for towing or transporting people, animals or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles and motor scooters.

(4) "Motor vehicle accessories" means any part or parts of any motor vehicle.

(5) "Person" shall mean all natural persons, partnerships, associations, corporations and other legal entities.

(6) "Private property" means any real property not owned by the federal government, state, county, city, school board or other public subdivisions.

(7) "Property Owner" shall mean the person shown of record to be the owner of the real property on which the inoperable motor vehicles, motor vehicle accessories or junk are located.

(8) "Removal" shall mean the physical relocation of or destruction of or disposal of an inoperable motor vehicle, motor vehicle accessories or junk in a manner consistent with applicable state and federal laws and regulations and county and municipal ordinances.

12.03 Storage prohibited.

(1) Subject to 12.04(b) it shall be unlawful for any person or property owner to keep or maintain upon or to allow any other person to keep or maintain upon real property under his/her control any of the following: junk, motor vehicle accessories or more than five (5) inoperable motor vehicles at any one time.

(2) No person, having been notified by the County of the necessity of the removal of any inoperable motor vehicle, motor vehicle accessories or junk from private property shall physically relocate or dispose of or destroy the same in violation of state or federal laws or regulations or county or municipal ordinances.

12.04 Storage-permitted when and limitations on storage.

(1) This section shall not apply to any inoperable motor vehicle, motor vehicle accessories or junk stored within an enclosed building, or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or to seasonal use vehicles such as campers, etc. Such businesses enterprises shall include auto junk and salvage yards, auto repair and auto body shops but shall not include automobile service stations or tire, battery and accessory sales stores. The Zoning Committee may require auto junk and salvage yards, auto repair and auto body shops to provide screening in accordance with Section 3.10 of this ordinance.

(2) This section shall not apply to the storage upon property under the control or ownership of persons, otherwise referred to as collectors, subject to this section, of not more than five (5) inoperable motor vehicles at one time. Such open storage shall, nonetheless, be subject to the following limitations: (a) Each such motor vehicle shall be stored in such a manner as to prevent oil, grease, battery acid, gasoline or other fuel or contaminants from leaking into or upon the soil. The existence of such contamination shall cause the motor vehicles in question to be classified as junk and subject the owner of the property on which they are found to prosecution hereunder. (b) Each such motor vehicle shall be stored at a

location on the collector's lot or parcel which is not visible beyond the lot line thereof. The failure or refusal of the owner of the lot or parcel on which such motor vehicles are found to abide by this requirement, even if such owner is not the owner of the motor vehicles in question, shall subject said owner to the requirement that screening be erected in a manner approved of by the zoning administrator, consistent with the standards under Section 3.10 of this Ordinance. Should an order for screening be disobeyed, the inoperable motor vehicles shall lose their exempt status under this section and their continued storage upon the lot or parcel in question shall be in violation of this section: (c) In the event that two (2) or more such motor vehicles are stored on a given lot or parcel, they shall not, at random, be scattered about the lot or parcel in a random or haphazard fashion or manner but shall, instead, be parked or stored in a row or rows in an orderly fashion. (d) Each collector shall take steps to keep each, such motor vehicle free and clear of brush, trees, weeds and grass or other vegetation which might otherwise grow in, upon or immediately around vehicles which have not been moved for a substantial period of time, otherwise defined as one or more growing seasons. Such a failure shall cause the motor vehicles to be classified as junk and subject the owner of the property on which they are found to prosecution hereunder.

(3) Subject to the standards under 2., above, enforcement of this section with respect to the open storage of motor vehicles shall be subject to the sound discretion of the zoning administrator.

12.05 Notice of removal. Any person found in violation of the provisions of this section shall be given written notice by the zoning administrator or that person's designee requiring compliance with the provisions of this section. The notice shall include a description of the inoperable motor vehicle(s), motor vehicle accessories or junk, the location or address of the item(s) in violation, and that failure to comply with the provisions of this section may result in forfeitures being assessed. Additionally, the notice shall inform the violator that removal from the specified location to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties. Notice is not required for second and subsequent violations occurring within a one-year period of the first violation of this section.

12.06 Violation – penalties. Any person who under this section violates any of its requirements shall be subject to imposition of an appropriate forfeiture in accordance with the Trempealeau County Citation Ordinance or injunctive relief or both in the discretion of the County.