

**Town of Greenwood**

**Ordinance No. 2005-1**

**AN ORDINANCE REGULATING THE KEEPING OF INOPERATIVE AND  
JUNK VEHICLES, VEHICLE PARTS AND UNREGISTERED MOTOR  
VEHICLES WITHIN THE TOWN OF GREENWOOD**

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

**SECTION 1. TITLE**

This ordinance is entitled the Town of Greenwood Inoperative and Junk Vehicle and Unregistered Vehicle Ordinance.

**SECTION 2. FINDING OF NECESSITY, STATEMENT OF INTENT AND  
DECLARATION OF NUISANCE**

2.1 This ordinance is adopted to promote the health, safety, welfare and convenience of the public in the Town of Greenwood.

2.2 The Town Board of the Town of Greenwood finds that the placing or maintaining of inoperative and junk vehicles, vehicle parts and unregistered motor vehicles outside of enclosures within the Town of Greenwood poses a threat to the health, safety, welfare and convenience of the public in the Town of Greenwood.

The Town Board of the Town of Greenwood finds that such items are likely to collect water, which is a breeding ground for mosquitoes and other insects. They can harbor rodents and other unsanitary and/or disease-carrying creatures. They often result in the leakage of hazardous substances such as gasoline, oil, antifreeze and battery acid onto the ground, which may in turn contaminate soil and surface and ground water. They pose an attractive nuisance for children, which can result in injury or death to young children playing in, around or under them. Accordingly, the Town Board declares inoperative and junk vehicles, vehicle parts and unregistered motor vehicles stored outside of enclosed buildings to be public nuisances.

### SECTION 3. AUTHORITY

This ordinance is enacted by the Town Board of the Town of Greenwood as an exercise of its powers under Sec. 61.34 Wisconsin Statutes, its home rule authority and any other applicable grants of power.

### SECTION 4. DEFINITIONS

When used in this ordinance, the following definitions shall apply:

- (1) **APPLICATION** shall mean a written request for a Permit (as defined below).
- (2) **ENCLOSED** shall mean located completely within an enclosure.
- (3) **ENCLOSURE** shall mean a building having four or more walls and a roof, which in the aggregate completely enclose a space on all sides and overhead.
- (4) **INOPERATIVE VEHICLE** shall mean any motor vehicle that, while not a Junk Vehicle (as defined below), is nevertheless incapable of being started, run and driven in the condition in which it currently exists.
- (5) **JUNK VEHICLE** shall mean:
  - (a) any 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
  - (b) any motor vehicle for which an insurance company has taken possession or title, if the estimated cost of repairing the vehicle exceeds its fair market value.
- (6) **MOTOR VEHICLE** shall mean any motor vehicle that is required to be registered and licensed by the Wisconsin Department of Transportation when driven or propelled upon a public road.
- (7) **VEHICLE PARTS** shall mean items that are component parts of a vehicle such as engines, transmissions, wheels, tires, doors, body panels, hoods, frames, seats and other such components. The term shall specifically include vehicle batteries.
- (8) **OWNER** shall mean the person who or entity which holds legal or equitable title to the parcel of land upon which junk vehicles, unregistered motor vehicles or vehicle parts are stored.
- (9) **OCCUPANT** shall mean the Person (as defined below) who occupies the real estate on which such Inoperative or Junk Vehicle, Unregistered Motor Vehicle (as defined below) or Vehicle Parts (as defined below) is or are stored, regardless of whether

such Person is responsible for such Inoperative or Junk Vehicle, Unregistered Motor Vehicle (as defined below) or Vehicle Parts (as defined below).

(10) **PERMIT** shall mean an authorization by the Town Board (as defined below) to allow temporary storage for a limited period of time of an Inoperative Vehicle outside an Enclosure within the Town of Greenwood for a period not to exceed ninety (90) days, in accordance with this Ordinance. A Permit shall be designated as a "Vehicle Temporary Permit."

(11) **PERSON** shall mean a natural person or any other legally existing entity, including but not limited to a corporation, limited liability company, partnership, trust or voluntary association.

(12) **STORE** shall mean to park, place, keep, maintain or allow to exist.

(13) **UNREGISTERED MOTOR VEHICLE** shall mean a motor vehicle that is required to be registered and licensed by the Wisconsin Department of Transportation when driven or propelled upon a public road, but that is not currently so registered or licensed.

(14) **TOWN BOARD** shall mean the Town Board of the Town of Greenwood.

## **SECTION 5. PROHIBITED CONDUCT**

5.1 Except as provided under Section 6 below, no Person shall Store any Junk Vehicle, Inoperative Vehicle or Vehicle Parts upon any publicly or privately owned real estate located in the Town of Greenwood unless such Junk Vehicle, Inoperative Vehicle or Vehicle Parts are completely Enclosed within an Enclosure.

5.2 No Person shall Store more than two (2) intact but Unregistered Motor Vehicles on any publicly or privately owned real estate located in the Town of Greenwood unless such Unregistered Motor Vehicles are completely Enclosed within an Enclosure.

## **SECTION 6. TEMPORARY PERMITS TO STORE INOPERATIVE VEHICLES UNDERGOING REPAIRS**

6.1 A Person may apply to the Town Board for a Permit for an Inoperative Vehicle if the necessary repairs will be completed within ninety (90) days. No Permit shall be issued for any Inoperative Vehicle unless such Inoperative Vehicle is registered and displays current registration plates and/or sticker at the time of application.

6.2 A Permit may be issued in the discretion of the Town Board, which may place such condition or restriction upon such Permit as it deems appropriate.

- 6.3 (1) An application for Permit shall:
- (a) Identify the property upon which the Inoperative Vehicle will be stored.
  - (b) Identify the Inoperative Vehicle by make, year, color, registration plate number and vehicle identification number.
  - (c) Identify the Owner(s) of the Inoperative Vehicle.
  - (d) Describe generally the nature of the repairs to be made to the Inoperative Vehicle.
  - (e) Verify that the repairs to the Inoperative Vehicle shall be completed within ninety (90) days.
  - (f) Be signed in ink by either the owner or Occupant of the property upon which the Inoperative Vehicle that is the subject of the Permit to be issued will be Stored.
- (2) The applicant for the Permit shall appear before the Town Board at the time when the Town Board considers the application and shall answer any questions of the Town Board related to the Application. Failure to appear shall be grounds for denial of the Permit.
- (3) After consideration of such application, the Town Board may grant a Permit, in a written form prescribed by the Town Board
- (4) Application for a Permit shall be filed with the Town Clerk at least ten (10) days prior to the next regularly scheduled meeting of the Town Board. If not so timely filed, consideration of the application may, in the discretion of the Town Board, be put over to the next Town Board meeting.
- (5) A permit fee of \$15.00 per Inoperative Vehicle shall be paid to the Town Treasurer before such Permit is actually issued. Failure to pay such fee shall invalidate the action of the Town Board in approving the Permit.

## **Section 7. ENFORCEMENT AND PENALTIES**

7.1 **Enforcement.** This ordinance shall be administered and enforced by the Town Board or its officers, employees or designees.

7.2 **Imposition of forfeiture for violations.**

(a) Any person who, or partnership, corporation, limited liability company, trust, voluntary association or other legal entity, and any partner of a partnership, any officer or director of a corporation or other legal entity, any managing member of a limited liability company or any trustee of a trust that shall violate any section of this ordinance shall first receive from the Town of Greenwood a warning of the violation, in a written form prescribed by the Board, and shall be

allowed thirty (30) days, tolled from the date of personal service of such written warning, to correct such violation before any forfeiture is imposed..

(b) Any person who, or partnership, corporation, limited liability company, trust, voluntary association or other legal entity, and any partner of a partnership, any officer or director of a corporation or other legal entity, any managing member of a limited liability company or any trustee of a trust that has received a written warning of a violation, as required under Section 7.2(a), and continues to violate such ordinance after the expiration of the thirty (30) day warning period, shall forfeit to the Town of Greenwood not less than \$100.00 and not more than \$500.00 per violation, together with the costs of prosecution and any applicable assessments. Each day that a violation continues shall constitute a separate violation.

(c) In the event that such forfeiture, costs and applicable assessments are not paid, any natural person adjudged liable for such forfeiture in accordance with Section 7.2(a) above may, upon order of the Circuit Court, be imprisoned in the Vernon County Jail until such forfeiture, costs and applicable assessments are paid in full, but not more than 180 days.

**7.3 Other remedies available.** In addition to the imposition of a forfeiture, the Town of Greenwood may, in circumstances it deems appropriate, bring proceedings to enjoin any violation of this Ordinance or of state law. No such proceeding shall be deemed waived by the imposition of a forfeiture for the same violation, and the pursuit of injunctive or other available remedies shall not be deemed a waiver by the Town of Greenwood of its right to seek a forfeiture for the same violation.

## **SECTION 8. CONFLICT; SEVERABILITY; DEFINED TERMS**

**8.1 CONFLICT.** If any portion of this Ordinance, as the same may be from time to time be amended, is found to be in conflict with any other provision of the Wisconsin Statutes, Wisconsin Administrative Code or of federal law or regulation, such provision of state or federal law shall control.

**8.2 SEVERABILITY.** The provisions of this Ordinance, as the same may be from time to time amended, are declared to be severable, and if any section, subsection, sentence, clause, or phrase of this Ordinance or its application to any person or circumstance shall be held invalid by any court of competent jurisdiction, the remainder of this Ordinance, or the application of the provision to other persons or the other circumstances, nevertheless shall remain in full force and effect.


**8.3 DEFINED TERMS.** Capitalized terms used in this Ordinance that are defined in Section 4 of this Ordinance shall have the meanings set forth in said Section 4.

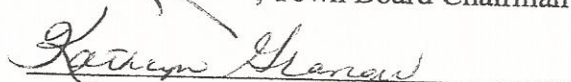
**SECTION 9. EFFECTIVE DATE**

This ordinance shall be in full force and in effect from and after thirty (30) days after from the date of its passage and publication.

Passed and approved this 14 day of SEPT 2005.

Votes in favor: 3  
Votes Opposed: 0

  
\_\_\_\_\_  
, Town Board Chairman

  
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, Clerk

Date published: October 5, 2005

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Leo Varbsky will be ENFORCEMENT OFFICER!