

TOWN OF GRAND CHUTE
ORDINANCE O-07-2018, SERIES OF 2018

AN ORDINANCE AMENDING CHAPTER 398 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH REGULATES PUBLIC NUISANCES IN THE TOWN OF GRAND CHUTE.

WHEREAS, Chapter 398, Section 398-7, of the Town of Grand Chute Municipal Code relating to public nuisances prohibits the open storage of junked motor vehicles; and,

WHEREAS, Section 398-7 fails to specifically address the storage of parts of junked motor vehicles; and,

WHEREAS, Section 398-7, as currently written, does not permit intervention and corrective action until after the junked vehicle has been openly stored for 30 days; and,

WHEREAS, the 30-day grace period granted in Section 398-7 will unnecessarily extend the duration of the problem when added to a reasonable time period required for remediation;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 398, Section 398-7, of the Grand Chute Municipal Code, is hereby amended and adopted as follows:

§ 398-7 **Storage of junked vehicles.**

A. Definitions. Terms used in this section shall have the following meanings:

OWNER

Includes owner, owners, tenants, lessees and/or occupants.

JUNKED VEHICLE

All junked, disassembled, inoperable or wrecked motor vehicles, or parts thereof, which have been allowed to remain outside of any building upon public or private property for a period in excess of three (3) days, unless in connection with an automotive sales or repair business located in a properly zoned area. ~~Includes any old, stripped, junked and/or wrecked motor vehicle, including trucks, cars, or any other motorized vehicle not in good and safe operating condition, and~~ The definition shall also include any vehicles stored in the open without being licensed in excess of 30 days.

B. Nuisance. No vehicle as hereinabove defined shall be stored or allowed to remain in the open upon public or private property within the Town ~~for a period in excess of one month,~~ unless it is in connection with a duly authorized sales or repair business enterprise located in a properly zoned area. Any violation of this section is a nuisance.

C. Abatement by owner. The owner of any property within this Town upon which a vehicle as hereinabove defined is stored or permitted to remain and also the owner of any such vehicle shall, jointly and severally, abate said nuisance by the prompt removal of such vehicle into a

completely enclosed building authorized to be used for such storage purposes, if within the limits of the Town, or otherwise remove the same to a location outside the Town.

- D. Vehicle upon public property. Whenever the Building Inspector or Town police officers shall find any such vehicle placed or stored in the open upon public property within the limits of the Town, such vehicle shall be removed to a junk or salvage yard and stored therein for a period of 30 days. At the end of said time, such junk or salvage yard shall dispose of such vehicle unless it has previously been claimed by the owner.
 - E. Vehicles upon private property. Whenever the Building Inspector or Town police officers shall find any such vehicle placed or stored in the open upon private property within the limits of the Town, the owner of such property and the owner of the vehicle, if he can be located, shall be given a three-day written notice by certified mail to remove the same. If such vehicle is not removed within the time specified, the Town police shall have it removed by a junk or auto salvage dealer. The owner of the property upon which the vehicle had been placed or stored and the owner of the vehicle, if he can be located, shall be jointly and severally liable for the cost of removal by such dealer.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- F. Storage costs. If such vehicles are claimed by the owner, the junk or salvage yard shall charge a reasonable fee for handling and storing.
 - G. Salvage yard excepted. The provisions of Subsection B shall not apply to auto salvage yards and/or junkyards that are duly authorized under the ordinances of the Town and have been issued a permit to operate as such salvage yard and/or junkyard under this Code.
 - H. Disposal of unclaimed vehicles. When any such vehicle has been removed and placed in storage by the Town as herein provided and such vehicle is not claimed within 30 days after such storage, it shall be sold by the Town. If the proceeds of such sale are insufficient to pay the costs for the removal and storage, said owners jointly and severally shall be liable to the Town for the balance of the costs. If the proceeds are in excess of costs, the balance shall be paid to said owners.
 - I. Violation of this section shall be subject to a penalty as prescribed in § 175.25(5), Wis. Stats.^[2]

[2] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

END OF AMENDMENT

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 20 day of March, 2018

TOWN OF GRAND CHUTE

VOTED FOR: 5

VOTED AGAINST: 0

New Language in bold

Approved as to Form



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David Schowalter, Town Chairman



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