
FOND DU LAC COUNTY
AUTOMOBILE, TIRE, AND JUNK
ORDINANCE

ARTICLE IV. JUNK*

Sec. 30-104. Findings.

The county has found it necessary to regulate by ordinance the storage and disposal of automobiles, tires, junk and miscellaneous waste due to the fact that there has been a proliferation of unlicensed junkyards, tire piles and dumps of miscellaneous materials within the county. The proliferation presents a threat to the public health and safety of the citizens of the county and to the natural environment and property values of the county. The provisions of this article are adopted pursuant to the authority granted to the county by Wis. Stats. §§ 59.55(5), 59.70(1), 59.54(21), 84.31(2)(b), (9), 175.25, and 342.40(3).
(Ord. of 12-17-87)

Sec. 30-105. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words or phrases used in this article shall be interpreted as having the same meaning as they have in common law, the state statutes or Wis. Admin. Code, to give this article its most reasonable application.

***Cross reference**—Businesses, ch. 22.

State law references—Regulation of junkyards generally, Wis. Stats. § 84.31; junked or junk vehicle defined, Wis. Stats. § 340.01(25g), (25r).

Junk means scrap metal, metal alloy, wood, concrete, synthetic or organic material or waste, 20 or more tires, or any junked, ruined, dismantled, wrecked, unlicensed, unregistered, or inoperative motor vehicle or machinery, or any part thereof. This definition of junk includes used tires, parts of dismantled buildings, farm equipment not in use and parts of farm equipment as well as parts of buildings or other structures.

Junkyard means any place maintained, owned, operated or used for the storage, keeping, processing, buying or selling of junk, refuse or solid waste of any kind.

Solid waste means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food wastes and other organics, boxes, barrels and other containers, tires and other like materials.

(Ord. of 12-17-87, § 1.1)

Cross reference—Definitions generally, § 1-2.

Sec. 30-106. Prohibited activities.

(a) No person, group of persons, company, firm, corporation or any other entity shall within the unincorporated areas of the county:

- (1) Operate an unlicensed junkyard.
- (2) Store abandoned, unlicensed or inoperative automobiles, trucks, vans, motorcycles, buses, trailers, mobile homes or other motor vehicles or motor vehicle parts or equipment, or inoperative or abandoned farm equipment, construction equipment and such like equipment for a period in excess of three days outside of a building.
- (3) Storing scrap metal, junk, 20 or more tires, or solid waste materials outside of a building for more than three days.
- (4) Store parts of or entire dismantled buildings, fixtures, appliances, fences, for more than three days outside of buildings.
- (5) Leave any dead animal not buried or otherwise legally disposed of for a period of more than three days on the premises.
- (6) Store or dispose of any solid waste or other junk except in accordance with all applicable state and local regulations.
- (7) Leave unattended any motor vehicle, trailer, semitrailer, mobile home, or any other motor vehicle on any public highway or private or public property for more than three days under such circumstances so as to cause the vehicle to reasonably appear to have been abandoned.
 - a. If such vehicle is left unattended on the property without permission of the property owner for more than 48 hours, that vehicle may be declared abandoned by any deputy sheriff; and such shall constitute a public nuisance.
 - b. Any vehicle so abandoned shall be declared so by the sheriff's department, and that abandoned vehicle may be junked or sold by the county or impounded and the owner or lienholder notified by certified mail, following the dictates of Wis. Stats. § 342.40(3).

- c. If the vehicle is not claimed, the county shall sell the same at auction to the highest bidder unless such bid is deemed inadequate by the county, in which event all bids may be rejected. Such sale shall occur after ten days from the date of notice to the owner and lienholders.

(b) This article is not intended to regulate or place limitations on any legally licensed junkyard, salvage dealer, sanitary landfill or other junk, waste disposal or storage activity for which a valid license from the state and/or other necessary municipal issuing authority is required and has been issued and all such licenses are in full force and effect.

(Ord. of 12-17-87, §§ 2.1, 2.2)

Sec. 30-107. Administration and enforcement.

(a) The county code enforcement officer or designee shall have the duty, responsibility and authority to enforce this article along with the sheriff and deputies. The committee of jurisdiction for the county is the protection of persons and property committee.

(b) Persons shall allow access to the code enforcement officer or his/her designee to their property for purposes of enforcing this article.

(c) Town officials shall cooperate with the code enforcement officer in investigating violations of this article. Town officials shall whenever possible initially investigate any violations of this article within their jurisdiction and refer the results of their investigation and recommendation to the county code enforcement officer.

(Ord. of 12-17-87, §§ 3.1—3.3)

Sec. 30-108. Violations and penalties.

(a) Whenever a violation of this article is found, the code enforcement officer or sheriff's deputy may take one or more of the following actions:

- (1) Order the violation corrected by the property owner by removal and proper disposal of the material within a specified period ranging from one to 30 days;
- (2) Issue a citation for violation of this article pursuant to section 1-9; or
- (3) When violations are pursued by the sheriff's department, such legal actions shall occur through the district attorney's office, including injunctive relief and additional forfeiture actions through the process of summons and complaint or other proper legal recourse. When violations are initiated and pursued by the county code enforcement office, proper legal action shall be brought through the county corporation counsel's office, including injunctive relief and additional forfeiture actions through the process of summons and complaint or other proper legal recourse.

(b) The county circuit court may, upon the petition of and at the request of the county, order removal of the violating junk, solid waste, tires, and other such materials at county expense. The county shall then invoice the property owner for all such costs incurred. If that invoice is not paid within 30 days, the county may place the amount of the invoice on the tax rolls as a special assessment 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, solid waste, tires, and other such materials and have those items properly stored or disposed of; and any county cost incurred in the removal of such items shall be assessed against the violating possessor of that property and/or owners.

(d) Any person failing to comply with the provisions of this article shall, upon conviction, forfeit not less than \$75.00 nor more than \$500.00, plus costs of the prosecution for each violation. The court may consider each day of a violation a separate offense. Any person who is in default of payment of these forfeitures and costs and who is not found to be indigent by the court may be imprisoned in the county jail for up to 30 days for each violation or until payment has been made.

(Ord. of 12-17-87, §§ 3.4—3.7)