

## **CHAPTER 63**

### **REGULATION OF STORAGE OF UNLICENSED MOTOR VEHICLES**

Whereas, the Town of Wilson wishes to control the placement of unlicensed, disassembled, junked, and wrecked motor vehicles within the Town limits;

Now, therefore, the Town Board of the Town of Wilson does hereby ordain Chapter 63 of the Code of General Ordinances of the Town of Wilson as follows:

**Section 1. 63.01 Purpose.** The purpose of this ordinance is to provide for the public welfare, health, and safety of persons in the Town of Wilson, recognizing the hazard and 'attractive nuisance' of having standing about certain motor vehicles, and for the protection of property rights, and to enhance and otherwise beautify the landscaping within the township, and otherwise to promote public interest.

**63.02 Definition.** As herein used the following terms shall be construed to mean...

- **Disassembled.** A motor vehicle from which parts have been removed. Parts of a motor vehicle, i.e. body, frame, doors, etc.
- **Inoperable.** In its present condition, it cannot be safely driven upon a roadway under normal conditions. One that will not pass the minimum safety standards of a Wisconsin Motor Vehicle Check.
- **Operable.** A motor vehicle that is used by the owner or a person designated by the owner on a regular basis.
- **Junked.** A motor vehicle that is no longer being used or is no longer useable. A motor vehicle that is possibly being retained as a source of parts for another vehicle.
- **Wrecked.** A motor vehicle that has been involved in an accident and is not useable as a result of an accident. One that cannot be safely operated under normal conditions as a result of an accident.
- **Unlicensed.** A motor vehicle that is not currently registered with the Wisconsin Motor Vehicle Department.

**63.03 Open Storage Prohibited.**

- (a) It shall be unlawful to store, or otherwise leave, any unused, disassembled, dismantled, partly dismantled, stripped, inoperable, not safely operable, junked, or wrecked motorized vehicle, including but not limited to, autos, trucks, recreational vehicles, tractors, boats, campers, implements, any parts thereof, in outdoor areas of any property in the Town not in connection with a lawfully zoned storage operation.
- (b) It shall be unlawful to store any unlicensed motorized vehicle as set forth in section (a), that is required to be licensed in

order to be lawfully operated on public roads, trails, or waterways, in outdoor areas of any property in the Town not in connection with a lawfully zoned storage operation.

- (c) Notwithstanding the prohibitions set forth in subsections (a) and (b), it shall not be unlawful to engage in any conduct otherwise prohibited thereby if such conduct lasts for a period of less than seven consecutive days.
- (d) Specifically excluded from the term “motorized vehicle” shall be vehicles used as farm equipment in agricultural zoned districts.

**63.04 Highway Abandonment.** It shall be unlawful to abandon a motor vehicle on any highway within the Town of Wilson. For the purpose of this section, “highway” shall be defined as any public way and thoroughfare, including the entire width between the boundary lines of every way open to use of the public as a matter of right for purposes of vehicular travel. If any motor vehicle is left on a highway for five (5) days, it shall be presumed abandoned.

**63.05 Automobile Sales.** If an individual is actively attempting to sell an unlicensed or inoperable vehicle, as evidenced by a “for sale” sign or other prominent marketing indicator, he or she may allow one (1) such unlicensed or inoperable vehicle to be placed on his or her own private property, within public view, as long as said vehicle is removed from public view within thirty (30) days of its initial placement on the property. If an individual wishes to attempt to sell an unlicensed or inoperable vehicle for more than thirty (30) days, a permit must be issued by the Town Board for such purpose.

**63.06 Junk or Salvage Yards.** The herein shall not apply to the keeping of disassembled or inoperable or unlicensed or junked or wrecked motor vehicles pursuant to the operation of a junk or salvage yard duly licensed for such purpose under Wisconsin Statutes.

**63.07 Notice to the Landowner or Vehicle Owner.** When the Town Constable or Town Board shall find any vehicle placed or stored in violation of the herein ordinance, a written notification shall be delivered or mailed by certified mail to the owner of the property upon which such vehicle is found stating if the vehicle is not removed within ten (10) days, the Town shall be entitled to file suit in Sheboygan County Circuit Court, either for forfeiture penalties as set forth below, or in the alternative, for a court order requiring the owner of the vehicle (or the owner of the property on which the vehicle is allowed to remain) to remove the vehicle.

**63.08 Violations.** No person shall interfere in any manner with the enforcement of this Ordinance. Each motor vehicle stored or allowed to remain on property in violation of this Ordinance shall constitute a separate offense.

2001; Updated 12/2/2012, Updated 2/28/2022

**63.09 Penalty.** Any person, firm or corporation who violate any part of this chapter shall be subject to forfeitures in an amount of not less than \$50.00 nor more than \$250.00. Each day a violation continues shall constitutes a separate violation for purposes of calculating forfeitures.

**Section 2. Effective Date.** The herein Ordinance shall take effect upon enactment and posting.

Amendments enacted this 19<sup>th</sup> day of November 2012.

Town of Wilson by David L. Gartman, Chairperson

This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 19<sup>th</sup> day of November 2012. Cheryl Rostollan, Clerk

Posted December 3, 2012.

Amendments enacted this 21<sup>st</sup> day of February 2022.

Town of Wilson by John Ehmann, Chairperson

This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 21<sup>st</sup> day of February 2022. Julie Wicker, Clerk

Posted February 28, 2022.