

TOWN OF DUNN

ORDINANCE #11-15

**AN ORDINANCE REPEALING AND RECREATING THE ORDINANCE  
ENTITLED "STORAGE OF JUNKED AUTOMOBILES"**

The Town Board of the Town of Dunn, Dane County, Wisconsin,  
does ordain:

1) That Ordinance No. 5 entitled "Storage of Junked  
Automobiles" be and the same hereby is repealed; and

2) That Chapter 11-15 of the General Code of Ordinances,  
entitled, "Ordinance Regulating Storage and Disposal of  
Junk/Debris in the Town of Dunn, Dane County, Wisconsin", be and  
the same is hereby recreated to read as follows:

TOWN OF DUNN

ORDINANCE #11-15

**ORDINANCE REGULATING STORAGE AND DISPOSAL OF  
JUNK/DEBRIS IN THE TOWN OF DUNN,  
DANE COUNTY, WISCONSIN**

Section 1: Title

This ordinance is entitled the "Ordinance Regulating Storage and Disposal of Junk/Debris".

Section 2: Authority

The Town Board of the Town of Dunn has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10, (1988-1989) Wis. Stats., to regulate, control, license, register or permit in the Town of Dunn persons engaged in certain uses, activities, businesses and operations at certain locations in the Town of Dunn, to assess these persons with appropriate fees for the licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

Section 3: Adoption of Ordinance

The Town Board of the Town of Dunn has, by adoption of this ordinance confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance, persons engaged in these uses, activities, businesses and operations at certain locations within the Town of Dunn, to assess these persons with appropriate fees for the licenses, registrations or permits and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

Section 4: Definitions

The following word or words when used in this ordinance shall have the following meaning:

a) "Disposal" (of Waste) means the discharge, deposit, injection, spilling, dumping, leaking or placing of waste into land, air or water. Disposal of waste does not include generation, transportation, storage, treatment or recycling waste.

b) "Junk" means any old or scrap metal, metal alloy, synthetic or organic material, or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or part thereof.

c) "Storage" (Waste) means the holding of waste for a temporary period, at the end of which period the waste is to be treated or disposed. For purposes of the ordinance, the temporary period shall not exceed five (5) days.

d) "Waste" means any solid waste, including construction waste, demolition waste, ash, sludge, refuse, rubbish, garbage and discarded recyclable materials. It also includes hazardous waste and nuclear waste or any by-product defined in Sec. 140.52, (1988-1989) Wis. Stats.

#### Section 5: Storage of Junked Automobiles

No person, firm or corporation which owns, controls, or occupies any real estate within the Town of Dunn shall permit disassembled, inoperable, unlicensed or junked vehicles to be stored or allowed to remain open to view, upon public or private property within the Town for a period in excess of five days, unless it is in connection with an automobile sales or repair business operated within a properly zoned area. Each day during which the provisions of this section are violated shall constitute a separate offense. For purposes of this section, racing cars and equipment shall be deemed unlicensed vehicles.

Every person, pursuant to Sec. 60.10, 84.31 and 175.25, (1988-1989) Wis. Stats., and this ordinance, in the Town of Dunn who shall accumulate or store junked automobiles or parts thereof within five hundred (500) feet of the center line of any Town road or within seven hundred fifty (750) feet of the center line of any county trunk, state trunk or federal highway located in the Town of Dunn shall seek and obtain a junkyard permit from the Town of Dunn.

Any person, firm, partnership or corporation now engaged in the business of accumulating or storing and leaving accumulated or stored junked automobiles or parts thereof, outside of any building on real estate within the corporate limits of the town, or within 750 feet of the center line of any state trunk or federal highway in any town may, upon application therefor to the Town Board, upon showing such facts, be granted a permit for such place of accumulation or storage; any person, firm, partnership or corporation succeeding a business now engaged in the accumulation or storage and leaving accumulated and stored junked automobiles, or parts thereof, outside of any building on real estate as hereinbefore provided may likewise be granted such permit.

#### Section 6: Waste Disposal

1) **Dumping of Rubbish Regulated.**

A) PROPERTY OWNERS NOT TO PERMIT DUMPING WITHOUT PERMIT. No person, firm or corporation owning, controlling or occupying real estate within the Town shall permit or allow the dumping of garbage, ashes, rubbish, miscellaneous wastes, manure, or other substances upon said real estate without first having been granted a permit therefor by the Town Board.

B) DUMPING PROHIBITED UNLESS AUTHORIZED. No person, firm or corporation shall dump or deposit anywhere within the Town of Dunn any garbage, ashes, rubbish, miscellaneous wastes, manure or other substances except in such places as may be authorized by the Town Board by permit.

C) DUMPING: OWNER'S CONSENT REQUIRED. No person shall dump or deposit any garbage, ashes, rubbish, miscellaneous wastes, manure or other substances upon private property unless the written consent of the owner or his/her authorized agent shall first be obtained and filed with the Town Board.

2) **Littering Prohibited.** No person shall throw or deposit any glass, can plastic or metal container, paper, refuse, waste, filth or other litter upon the streets, alleys, highways, public parks, or other public or private property within the town other than in proper receptacles intended therefor.

3) **Placing Trash for Pickup Regulated.** No person, firm or corporation shall place garbage cans, garbage bags, or other trash or recycling receptacles along any street, alley, highway, or other roadway within the Town; provided that this subsection shall not apply to the placement of such receptacles within 24 hours of a regularly scheduled time for garbage removal.

4) **Storage of Junk, Etc... Prohibited.** No person, firm or corporation shall store junk or discarded property including trucks, tractors, refrigerators, furnaces, washing machines, appliances, stoves, machinery or machinery parts, wood, bricks, cement blocks, other unsightly debris, or other items no longer used for their original purpose, except in an enclosure which houses such property from public view or upon permit issued by the Town Board.

Section 7: Exemptions

This ordinance is not to be interpreted to prevent normal functions of active farm operations so long as junk, as herein defined, is stored more than 500 feet from any roadway within the Town of Dunn and is out of public view.

Section 8: Permits

The permit issued by the Town Board shall be signed by the chairman and the clerk thereof and shall specify the quantity and

manner of storing such junk. Such permit shall be revocable at any time by the Town Board after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the Town Board of the Town of Dunn upon its own motion, or upon the complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.

Section 9: Penalties

Any person, firm, partnership or corporation violating any of the provisions hereof shall upon conviction be fined not less than \$10, nor more than \$50 for each offense, and in default of payment of said fine shall be imprisoned in the county jail for a period not exceeding 30 days. Each day that junk, as herein defined, shall be stored or disposed of contrary to the provisions hereof shall constitute a separate and distinct offense.

Section 10: Effective Date

This ordinance shall take effect upon passage and publication.

Section 11: Severance Clause

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Adopted by a resolution of the Board at a regular meeting thereof held on \_\_\_\_\_th day of \_\_\_\_\_, \_\_\_\_\_.

TOWN BOARD OF THE TOWN OF DUNN,  
DANE COUNTY, WISCONSIN:

ATTEST:

\_\_\_\_\_, Town Clerk

\_\_\_\_\_  
Chairman  
\_\_\_\_\_

Posted:  
Effective Date:

Supervisor

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Supervisor