

State of Wisconsin
Monroe County
Town of Wellington
Ordinance #11.03

adopted March 09, 2011

Junkyard Ordinance and Annual Permit (replacing Ordinance Regulating Junkyards formerly adopted by the Town of Wellington Board on 03.09.1988)

5.1 Junkyard Permit Required:

No person may own, establish, expand or maintain a junkyard in the Town of Wellington unless issued an Annual Junkyard Permit by the Town Board.

5.2 Junkyard Defined:

For the purpose of this ordinance, a junkyard means an establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles, farm machinery and equipment, motor vehicle parts, or farm machinery and equipment parts.

5.3 Application Process

Individuals seeking to site a junkyard in the Town of Wellington will contact the Town Chair or Town Clerk to schedule a meeting with the Town Board. At this meeting, the interested individual will provide a written description of the proposed junkyard. This written description stands as the individual's application for a Provisional Junkyard Permit. The application will include the names and contact information of the junkyard's owners, the purpose of the business, a legal description of its location, the dimensions and boundaries of the proposed junkyard, the type and number of junked vehicles to be stored, and the means to be used to protect the public's safety and health, to provide adequate screening and landscaping and to mitigate any resulting noise, smoke and dust. This application will be provided to the Town Board at least 10 days in advance of the scheduled meeting date. At the meeting, the Town Board may question the applicant concerning his/her proposal, request further information, or require additional planning.

5.4 Provisional Permit

When the Town Board is satisfied with the application, a provisional permit will be issued for a period of up to twelve months. The purpose of the provisional permit is to provide the applicant time to develop the site as described in his/her application. The cost of the provisional permit is \$500. At the end of the twelve months (or sooner if requested by the applicant) the members of the Town Board will inspect the site of the proposed junkyard. If the site is in compliance with the specifics of the application, the Town Board may issue an Annual Junkyard Permit. If the site is not in compliance, the Town Board may terminate the provisional permit or issue an extension for a specified period of time. During the period the provisional permit is in effect, the applicant will not be allowed to operate a junkyard business at the proposed site.

5.5 Annual Junkyard Permit

The Town Board may issue an Annual Junkyard Permit for a period of one year beginning from the date it is issued. The Annual Permit will cost \$500 and allows the

holder to operate a junkyard within the Town. Once the junkyard is in operation, the holder of the permit must meet the Ordinance/Permit Provisions detailed in Section 5.6 .

Section 5.6 Ordinance/Permit Provisions

- A. Persons subject to this ordinance shall comply with ss.84.31 and 175.24, Wis. Stats.
- B. The applicant and any other person subject to this ordinance are subject to all of the following
 1. No person shall be issued or reissued provisional or annual permit until the appropriate application fee has been paid to the Town Clerk.
 2. No person shall be issued or issued a provisional or annual permit who has failed to properly and fully complete the application process as detailed in the ordinance.
 3. An applicant or permittee may have the provisional or annual permit revoked after a public hearing by the town board, if the applicant for the provisional permit or annual permittee has done any of the following
 - a. Failed to install and maintain fences on the premises as determined by the town board.
 - b. Failed to prevent and remove inappropriate advertising on the fences at the premises as determined by the town board.
 - c. Failed to install and maintain adequate fire safety equipment on the premises as determined by the town board.
 - d. Failed to properly drain all motor vehicle tanks and engines on the premises as determined by the town board.
 - e. Failed to install, provide, and maintain adequate sanitary facilities on the premises as determined by the town board.
 - f. Failed to comply with operational hours at the premises as determined by the town board.
 - g. Failed to install, provide, and maintain adequate and necessary physical structures and equipment and personnel as determined by the town board and failed to comply with conditions, rules, and safeguards as determined by the town board to prevent public nuisances and to protect the public health and safety of persons residing near the premises or persons entering the premises, including public nuisances at the premises associated with noise, dust, odors, fires explosions, water pollution, air pollution, and erosion.
 - h. Failed to comply, as determined by the town board, with any town or country zoning ordinances.
 - i. Failed to prevent open fires or open burning of solid waste or hazardous waste at the premises, including the burning of any motor vehicle or motor vehicle parts.
 - j. Failed to install, provide, and maintain adequate landscaping surrounding the premises as determined by the town board.
 - k. Failed to provide and maintain adequate security and operational personnel to prevent trespassing onto the premises.

- l. Failed to limit the number of junked motor vehicles and junked vehicle parts on the premises as authorized by the town board in the permit.
- m. Failed to install and maintain adequate physical structures and operational controls as determined by the town board to prevent trespassing, littering, and to prevent private nuisances on private and public lands adjacent to the premises.
- n. Failed to provide adequate personnel, as determined by the town board, to remove noxious weeds, standing water, and other debris during and after daily operations at the premises.
- o. Failed to allow physical access to the premises by the town board or its designee for inspections purposes upon 24 hours' notice to the applicant or permittee.

Section 5.7 Penalty Provision

If the holder of an Annual Junkyard Permit fails to comply with the provisions of this ordinance, the permit holder may be cited, and upon conviction, pay a fine of not less than \$50 nor more than \$500, plus applicable costs, for each cited violation. In addition, the Town Board may revoke the holder's permit for just cause following a public hearing.

Section 5.8 Renewal of the Annual Permit

The permit holder will meet with the Town Board at least 30 days prior to the end of the Annual Junkyard Permit period. At that time, the permit holder must demonstrate to the Board's satisfaction that he/she has met the Ordinance/Permit Provisions found in Section 5.6. The Board will then determine whether to issue, or not to issue, a new Annual Junkyard Permit.

Section 5.9 Compliance with County or State Regulations

Compliance with the terms of this ordinance does not exempt the operator of a junkyard within the Town of Wellington from conforming to the requirements for establishing and operating a junkyard as set by the County of Monroe and/or the State of Wisconsin.