

TOWN OF DEWHURST ORDINANCE NO. 2025-01
AN ORDINANCE PROVIDING FOR THE REGULATION OF JUNK

This Town Board of the Town of Dewhurst, Clark County, Wisconsin to ordain as follows:

ARTICLE 1. A Town of Dewhurst Ordinance is hereby created to read as follows:

Section 1. Ordinance Title. "The Regulation of Junk in the Town of Dewhurst"

Section 2. Definitions.

(a) "Junk" means any old or scrap metal, metal alloy, synthetic material or waste. Junk includes any air conditioner, clothes dryer or washer, dishwasher, fan, furnace, refrigerator, stove, water heater or softener, and any other appliance, which is located outside of a dwelling or other enclosed structure, and is incapable of being used for its designed purpose, or has not been used for said purpose for a period of at least 30 days.

(b) "Junk farm machinery" means any combine, harvester, hay bailer, manure spreader, plow, portable storage tank, wagon or wagon frame, and other pieces of equipment, and their components, commonly found in agricultural use; which are inoperable, and stored outside of a for a period of at least 90 days. Property in the area zoned Agricultural is exempt from this category.

(c) "Junk vehicle" means any all terrain vehicle (ATV), utility terrain vehicle (UTV), motor vehicle [as defined in s. 340.01(35), Stats.], motorcycle, camping trailer, travel trailer, motor home, snowmobile, trailer, truck or truck body, and similar pieces of equipment which are junked, dismantled, disassembled, inoperable, abandoned, or wrecked, and are incapable of being legally operated on a public highway due to missing or inoperative parts, flat or removed tires, or other defects including lack of a valid registration, and which are stored outside of a garage or similar enclosed structure for a period of at least 30 days. (Subject to 175.25, Wis. Stats)

(d) "Solid waste" has the meaning specified in s., 289.01(33), Stats.

Section 3. Accumulation of Junk Prohibited.

(a) No person shall allow any material described in (2)(a)-(2)(d), to accumulate on their property in an unenclosed or unscreened manner, or in a manner which tends to create a safety, sanitary or health hazard, tends to create a rodent or varmint attraction. Junk farm machinery is exempt from this provision on property zoned as Agricultural.

(b) The safe and healthy accumulation of any material described in (2)(a)-(1)(d), which is out of the public view; and is in compliance with all other state, county and town regulations are not prohibited by this ordinance.

Section 4. Notice of Violation.

If, following an inspection, the Building Inspector, Board Chairman or the Board Designee determines that there are grounds to believe that there has been a violation of any provisions of this Ordinance, notice of such violation shall be given to the owner(s) or occupant(s). The notice of violation shall:

(a) Be in writing;

(b) Indicate the nature of the alleged violation(s);

(c) Indicate the time for the correction or abatement of the alleged violation and/or submission of a plan to correct the alleged violation, which time shall not be more than 30 days;

(d) Be served upon the owner or occupant in the following manner:

1. Hand delivered to the owner or occupant by the Building Inspector, Board Chairman or the Board Designee; or

2. Sent by certified mail to the owner's or occupant's last known address, as said address appears on the tax rolls. The certified mail receipt and an affidavit of mailing shall be sufficient evidence of service, which service shall be deemed effective within 10 business days of the date of mailing.

(e) Advise the owner or occupant of the right to request, within 10 business days of the date of service, a hearing before the Town Board and further advise the owner/occupant that the owner/occupant's failure to make such a request shall result in the notice of violation being deemed an Order of Violation. Such hearing, if timely requested, shall be held at the next regular Board meeting, or at a special meeting, with notice of the hearing date mailed to the owner/occupant's last known address at least 10 days before the hearing.

(f) At such hearing, the owner or occupant shall have an opportunity to present information and witnesses to the Town Board in order to show cause why such notice of violation should not be issued or should be modified. Upon hearing from the owner or occupant, and from the official who issued the notice of violation the Town Board may act to uphold, reverse or amend the notice of violation. Such action shall be considered a final decision of the Board and constitute an Order of Violation.

Section 5. Noncompliance - Remedy of Defects; Abatement

(a) The owner or occupant of the premises shall have the time specified in the order of violation to remedy the violations.

(b) The Building Inspector, Board Chairman or the Board Designee shall, in their discretion, have the ability to extend the time for corrections if the circumstances warrant an extension and the owner or occupant is making a good faith effort to correct the violations.

(c) If the owner or occupant, after order of violation, fails to timely remediation, a citation will be issued. Fines related to the violation shall be not less than \$500.00, nor more than \$1,000.00, and each day that the violation(s) covered by an Order of Violation remain unremedied may be treated as a separate violation for which a citation can be issued.

(d) In addition to issuing citations, if the owner or occupant, after Order of Violation, fails or refuses to timely remedy the violations, then the Town, at its sole option, may cause such work to be done. Prior to commencing such work, the Building Inspector, Board Chairman or the Board Designee shall do the following:

