

TOWN OF ELK MOUND

ORDINANCE NO: 2001-01

THE TOWN BOARD OF THE TOWN OF ELK MOUND DOES ORDAIN AS FOLLOWS:

The following Article of the Municipal Code of the Town of Elk Mound is hereby created as follows:

TITLE	COMMUNITY ENVIRONMENT
Chapter 1	BUSINESS REGULATION
Article 1	MOTOR VEHICLE SALVAGE YARD

Section 1. DEFINITIONS:

- A. "MOTOR VEHICLE SALVAGE YARD" A parcel of real estate on which motor vehicles or motor vehicle parts are stored or collected for the purpose of dismantling, salvaging, or demolition and subsequent sale. An aggregation of frames, bodies or parts from three (3) or more motor vehicles shall constitute a motor vehicle salvage yard, hereinafter referred to as a "Yard".
- B. "MOTOR VEHICLE" Includes but is not limited to watercraft, automobiles, trucks, tractors, motorcycles, snowmobiles, all terrain vehicles, buses, trailers, semi-trailers or any other motorized or mobile vehicle or conveyance.
- C. "MOTOR VEHICLE PART" Any part from any motor vehicle including batteries and tires.
- D. "REAL ESTATE" Means the plot of land and improvements as described as a parcel in the assessment roll on which the Yard is located.
- E. "SCREENED" Means hidden from view by:
 - 1. Fencing of durable materials and construction properly maintained.
 - 2. Buildings.
 - 3. Contour of earth.
 - 4. By natural cover of sufficient density to restrict the view year around.
- F. "EXISTING YARDS" Yards in existence and licensed by the Department of Administration, State of Wisconsin, at the time this ordinance is adopted.

Section 2. LICENSE REQUIRED: It is unlawful to operate a "Yard" outside of a building without a license.

Section 3. LICENSE FEE: The license fee hereunder shall be Five Hundred Dollars (\$500.00) for the initial license issued for a described premises and Seventy-five Dollars (\$75.00) for each annual renewal. The initial license issued to "Existing Yard" shall be at the renewal rate. The license year shall be September 1st to August 31ST of each year. Fees will not be prorated.

Section 4. LICENSE GRANTING AUTHORITY: The Town Board shall be the granting authority for licenses which:

- A. Are not transferable from person to person, except that they may be transferred to a corporation, limited liability company, or partnership or which the licensee owns more than 50% and which the licensee controls.
- B. May not be transferred from the real estate described in the application.

Section 5. LICENSE APPLICATIONS: The application and license shall contain the following:

- A. The name of the applicant, owner and/or operator, who must be an adult. If a corporation, the name and address of its registered agent and it must present evidence of its authority to do business in the State of Wisconsin and be in good standing.
- B. Address, social security number or FEIN, and telephone number of applicant.
- C. Full legal description of the real estate parcel to be licensed.
- D. Evidence of ownership of the Real Estate and satisfactory evidence of the applicant's right to use the Real Estate for a yard.
- E. Quantity and manner of storage.
- F. Projected life of business on parcel.
- G. A screening plan.

Section 6. LICENSE COMPLIANCE REQUIREMENTS:

- A. "Motor Vehicles" and "Motor Vehicle Parts" must be screened from view in a lawful manner approved by the Town Board.
- B. Business signs and advertising on the Real Estate shall be limited to one sign, not greater than four feet by eight feet, the top of which shall be not higher than eight feet from the ground, containing only the name of the business, type of business, business hours and telephone number, and it shall not be illuminated or lighted.
- C. Comply with the fire safety requirements as determined by the Fire Department serving the Town.
- D. Comply with all laws, regulations, and orders of state, federal, county and town governments.
- E. Maintain public liability and pollution insurance of at least one million dollars (\$1,000,000.00).
- F. Maintain control to prevent trespassing and prevent littering and nuisances to adjacent property.
- G. Arrange "Motor Vehicles and Parts" in neatly arranged rows.
- H. Agree to allow the Town Board or its designee to inspect the "Yard" at any time during business hours, or at other times upon an eight (8) hour notice.
- I. Comply with all orders of the Town Board with regard to screening the yard.

Section 7. LICENSE DISPLAY: License issued under this ordinance shall be displayed at all times in a conspicuous place on the parcel for which it was issued.

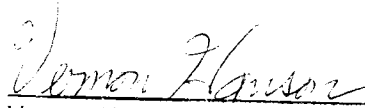
Section 8. LICENSING OF EXISTING YARDS: An "Existing Yard" shall obtain a license or cease operations within one year of publication of this ordinance. Provided the applicant presents the Town Board with a sound plan for full compliance with this ordinance at the time of initial application, the Town Board may defer compliance with some of the requirements of this ordinance for up to one year.

Section 9. LICENSE LIMITED: No more than one (1) license shall be granted under this ordinance. However, all "Existing Yards" at the time this ordinance is adopted are eligible for licensing. If there is an "Existing Yard" at the time of adoption of this ordinance, no new Real Estate may be licensed.

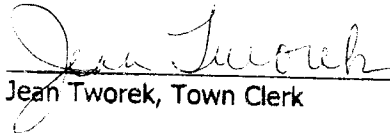
Section 10. LICENSE-REVOCATION-HEARING: Any license issued hereunder may be revoked or suspended at any time by the Town Board of the Town of Elk Mound after a hearing at which it has been found that the licensee has failed or refused to comply with any provisions of this article. Such hearing may be held by the Town Board 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 the provisions hereof. A copy of the complaint, together with a notice of hearing, shall be served upon the licensee not less than ten (10) days previous to the date of the hearing.

Section 11. VIOLATION-PENALTY: Any person, firm or corporation violating any of the provision of this chapter shall forfeit not less than Two Hundred Dollars (\$200.00) no more than Two Thousand Dollars for each offense. In default of payment of said fine shall result in imprisonment in the county jail for a period not exceeding thirty (30) days.

Dated this 15th day of November, 2001



Vernon Hanson, Town Chairperson



Jean Tworek, Town Clerk

Attested:

Adopted: 11/15, 2001
Published: _____, 2001

Effective after Publication