

CHAPTER 2

PUBLIC HEALTH AND WELFARE

2.1 ACCUMULATION OF JUNK PROHIBITED.

(1) Purpose. The Town of Black Earth concludes that it is in the public interest to regulate, by ordinance, the commercial storage and disposal of automobiles, tires, junk and similar miscellaneous waste due to the existence of unlicensed junk yards, tire piles and dumps of similar miscellaneous materials within Town of Black Earth. Accumulation of junk presents a threat to the public health and safety of the citizens of Town of Black Earth and to the natural environment and property values of Town of Black Earth. The provisions of this subsection of this ordinance are adopted pursuant to the authority granted to Town of Black Earth by secs. 60.22(3), Wis. Stats., 84.31(2)(b) & (9); 175.25 and 342.40(3).

(2) Definitions. Unless specifically defined below, words or phrases used in this Section shall be interpreted as having the same meaning as they have in common law, the Wisconsin Statutes or Wisconsin Administrative Code, to give this ordinance its most reasonable application. Words used in the present tense include the future, and vice-versa. Words used in the singular include the plural, and vice-versa. The word “shall” is always mandatory; the word “may” is always permissive.

(a) “Junk” means any of the following junk materials:

- i. Any junk or scrap metal.
- ii. Any junk or scrap wood.
- iii. Junk metal alloy.
- iv. Junk synthetic or organic material.
- v. Two or more junked, ruined dismantled or wrecked motor vehicles or machinery or parts thereof.
- vi. A collection of twenty (20) or more used tires that are not being put to a use. (Tires used to hold down covers over hay or straw are exempt).
- vii. Unusable appliance(s).
- viii. All or parts of dismantled buildings or structures that were not originally parts of the land’s principal or accessory buildings and have not been reconstructed within six months of their deposit on the land. (i.e. Dismantled buildings or parts thereof, that are or were imported or relocated to a site are junk on that site.)
- ix. All or parts of dismantled buildings or structures that were originally part of the land’s principal or accessory use which have been destroyed by act of man or nature and have been dismantled or destroyed for more than 18 months.

(b) “Illegal Junk Yard” means any place other than a licensed junk yard, which is maintained, owned, operated or used for the commercial storage, keeping, processing, buying or selling of junk outside of buildings.

(c) “Screened” means hidden from view in a manner that is compatible with the surrounding environment and permitted under the applicable zoning regulations.

(3) Prohibited Activities. No person, group of persons, company, firm, corporation or any other entity shall:

(a) Operate an illegal junk yard; or

(b) For gain or hire, store or dispose of any junk as defined by this ordinance except in accordance with all applicable state and local regulations.

(4) All junk yards in violation of this ordinance are public nuisances.

(5) Exceptions.

(a) This ordinance is not intended to regulate or place limitations on non-commercial storage of material, nor to any legally licensed junk yard, salvage dealer, sanitary landfill or other junk, waste disposal or storage activity for which a valid license from the State of Wisconsin and/or other necessary municipal issuing authority is required and has been issued and all such licenses are in full force and effect.

(b) Nothing in this ordinance is intended to prohibit the storage of idle but operable farm equipment.

(c) Any junk or junk yard that is screened from view is exempt from the provisions of this ordinance (For example, the storage of materials behind a barn or other building and which can not be seen from any adjacent public or private road is exempt from the requirements of this ordinance. Junk materials enclosed behind a fence that can not be seen from any public or private road are exempt from the requirements of this ordinance.)

(6) Administration and Enforcement.

(a) Code Enforcement. The Town of Black Earth Board of Supervisors hereby assigns the duties of administering this subsection of this ordinance to the Town of Black Earth Town Board.

(b) Persons shall allow access to the Town Board or Town staff to their property for the purposes of enforcing this ordinance.

(c) Any written complaints filed with the Town shall be referred to the Town Board for consideration at the next meeting of the Board. At that meeting, the Board shall

determine whether or not the complaint warrants investigation, or requires immediate response to protect the public health or safety. If the Board determines that the complaint relates to conditions at the salvage yard which may be an immediate threat to public health or safety, the Board may order the salvage yard owner or operator to cease and desist the offensive activity pending further investigation. If the Board determines that a complaint should be investigated, the Board shall designate an individual or individuals, or the Town's building inspection firm, to investigate the complaint and report to the Town Board. Upon receipt of the results of the investigation, the Town Board may decide to issue a written order to the salvage yard owner or operator directing the owner or operator to correct any violations or unacceptable conditions identified in the inspection report. If the owner or operator fails to correct the violation or unacceptable condition, the Town Board may act under subsection (8) to enforce the ordinance.

(7) Violations and Penalties.

(a) Whenever a violation of this ordinance is found, the Town Board may take one or more of the following actions:

- i. Order the violation corrected by the property owner by removal and proper disposal of the material within a specified period ranging from one (1) to thirty (30) days; or
- ii. Issue a citation for violation of this ordinance pursuant to this ordinance; or
- iii. When violations are initiated and pursued by the Town of Black Earth Town Board proper legal action shall be brought through the Town of Black Earth Attorney, which may include injunctive relief, and additional forfeiture actions through the process of summons and complaint or other proper legal recourse.

(b) The Town of Black Earth may ask the Circuit Court, upon the petition of and at the request of the Town of Black Earth, to order removal of the violating junk, vehicles, tires, etc., at Town of Black Earth expense. The Town of Black Earth shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the Town of Black Earth may place the amount of the invoice on the tax rolls as a special charge against the property in question.

(c) Injunctive relief can also be requested requiring the property owner or other party in possession of the property to remove the violating junk, vehicles, tires, etc., and have those items properly stored or disposed of and any Town of Black Earth cost incurred in the removal of such items be assessed against the violating possessor of that property and/or owners.

(8) Construction with zoning ordinances. This section is a police ordinance regulating the manner in which materials meeting the definition of “junk” are stored on land. This ordinance shall not be construed to authorize use of land for storage of junk on any parcel solely by virtue of compliance with this section. Storage of junk must be authorized by both this ordinance and the applicable zoning ordinance.

2.2 DOG CONTROL.

(1) Licenses. Pursuant to sec. 174.05 (3), Wis. Stats., the Town hereby imposes an additional fee for dog license taxes. The fee shall be as prescribed in the Fee Schedule which is an attachment to these Ordinances.

(a) If a dog will be 5 months of age after July 1 of the license year, one-half the license tax shall be due.

(b) Any owner of a dog which is five months of age or older in the Town of Black Earth shall pay the appropriate license tax for the calendar year. The tax shall be paid to the Town Treasurer.

(c) Replacement dog license shall be without charge.

(d) The Town Treasurer shall pay these taxes to the Dane County Treasurer at the time of settlement for personal property taxes.

(2) Pound Designated. The Town of Black Earth hereby designates the Dane County Humane Society, a non-profit organization located at Voges Rd., Madison, Wisconsin, the official pound for dogs and other animals detained. Any amount of dog license taxes received by the Treasurer which exceeds \$1,000 after deduction of expenses of tax collection, dog licensing and payment of dog damage claims under sec.174.11, Wis. Stats., shall be paid to the designated pound for provision of the pound.

(3) Dog At Large.

(a) Every owner of a dog shall use all humane and necessary precautions and measures to assure that the dog does not leave the property of the dog’s owner. Every dog shall be leashed or otherwise restrained to prevent the dog from leaving the owner’s property.

(b) Dogs may be unleashed if they are confined to the dog owner’s property by fencing or natural barriers, or if they are supervised by the dog’s owner.

(c) No dog may be allowed to run free on any public road or highway, on any public land, or on the lands of another person. All dogs shall be leashed when being walked on public land, roads or highways.

(d) If a dog is found at large, the Town may cause the dog to be captured and taken to the designated pound.

(e) A dog which has been captured by the Town shall be returned to its lawful owner upon proof that the dog is licensed and has been vaccinated against rabies. All unpaid license fees shall be paid before the dog is returned. Any dog which has not been vaccinated against rabies shall be vaccinated before being returned to the owner.

(f) Penalties for violation of this subsection shall be prescribed in the attached Fee Schedule.

2.3 State Fire Codes Adopted.

(1) The following Chapters of the Wisconsin Administrative Code are hereby adopted as Ordinances of the Town of Black Earth:

COMM 7:	Explosive Materials
COMM 9:	Manufacture of Fireworks
COMM 10:	Flammable and Combustible Liquids
COMM 11:	Liquefied Petroleum Gases
COMM 12:	Liquefied Natural Gases
COMM 13:	Compressed Natural Gases
COMM 14:	General Hazard Fire Prevention
COMM 15:	Cleaning and Dyeing
COMM16:	Electrical Code, Volume 1 and 2
COMM 20-25:	Uniform Dwelling Code
COMM 28:	Smoke Detectors
COMM 30:	Fire Department Health and Safety Standards
COMM 43:	Anhydrous Ammonia
COMM 50-64:	Building, Heating, Ventilating and Air Conditioning
COMM 70:	Historic Buildings
COMM 160-164:	Existing Buildings

(2) The bond schedule for deposit amounts to be inserted in official citations when such citations are issued for violation of ordinances is amended by adding thereto the amounts provided on the attached Fee Schedule.