

Ordinance No. 2

**REGULATION OF JUNK AND JUNKYARDS,
HAZARDOUS SUBSTANCES AND SOLID WASTE**

The Town Board of the Town of Cutler do ordain as follows:

Section No. 1: Declaration of Purpose.

In order to promote the public safety, health, welfare, convenience and enjoyment of public travel and to protect the public investment in the appearance of the Town of Cutler by preserving and enhancing the scenic beauty of lands, to attract tourists and to promote the prosperity, economic well-being and general welfare of the Town of Cutler, it is declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junked material in the Town of Cutler. All premises containing junked material in violation of this section are declared public nuisances.

Section No. 2: Definitions.

(a) **"Illegal Junkyard"**: A junkyard which is established, expanded or maintained in violation of this ordinance or §84.31 Stats.

(b) **"Junk"**: Any old or scrap metal, metal alloy, synthetic or organic material, or waste or any junked, ruined, dismantled, inoperable or unusable vehicle, machinery, appliance, mobilehome or any part thereof.

(c) **"Junkyard"**: Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto wrecking yards, salvage yards, auto recycling yards, used auto parts yards, used auto, machinery, appliance and mobilehome yards and temporary storage of auto, machinery, appliance or mobilehome bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like material located on the premises, and sanitary landfills.

This definition does not include keeping not more than three items of junk on your place when such placement does not exceed 3 months in duration.

(d) **"Screened"**: Hidden from view in a manner compatible with the surrounding environment.

Section No. 3:

No person, firm, partnership or corporation shall accumulate

or store any junk, vehicle, equipment, appliances or mobilehomes currently unusable or in a state of disrepair or disassembly, or parts thereof outside of any building on any real estate in the Town of Cutler except upon a permit issued by the Town Board.

Section No. 4:

No permit shall be issued to any applicant except to avoid an extreme hardship and then only to the following:

(a) Those premises which are not visible from any highway or public road;

(b) Those which are screened so as not to be visible from a public road.

Section No. 5:

Any business associated with the repair or renovation of used or junked automobiles, motor vehicles, machinery, appliances or mobilehomes must store and dispose of any waste materials according to DNR regulations.

No solid waste or hazardous substance, including toxic or nuclear substances, as those terms are defined in Wisconsin Statutes, may be stored or disposed of in the Town of Cutler, except the single-family waste disposal site as allowed under 144.44(7)(d), of the Wisconsin Statutes.

Any appeal for a variance must be directed to the Town Board in writing and may only be granted after a public hearing to avoid extreme injustice.

Section No. 6:

Any junkyard as defined herein established prior to ^{oct 10} 1994 and in compliance with Township Ordinance 2 and state statutes shall be considered non-conforming under this ordinance and shall retain that status so long as it is not extended, enlarged or substantially changed. Every non-conforming junkyard shall be screened, removed or disposed of within 5 year(s) after it becomes non-conforming. Any screening requirements under this ordinance or a permit issued hereunder shall be maintained by the owner or operator of the premises.

Section No. 7:

All permits issued under this ordinance shall specifically set forth in detail the manner and conditions under which such junk may be stored.

Section No. 8:

(a) Any authorized representative of the Town of Cutler may inspect private premises and any records relating to the accumulation of junk, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized representative of the Town of Cutler who requests access for purposes of inspection. No person may obstruct, hamper or interfere with such an inspection.

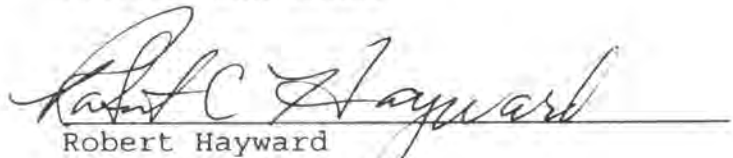
(b) Any authorized representative of the Town of Cutler, including the Cutler Nuisance Ordinance Committee, as established by the Town Board, is hereby authorized to enforce this ordinance.

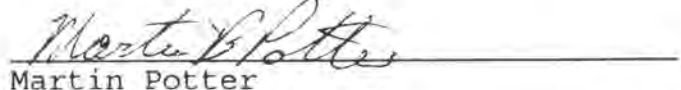
(c) Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be punished by a payment of a forfeiture of not less than \$50.00 nor more than \$1,000.00 for each offense. Each day in violation constitutes a separate offense.

This ordinance shall take effect and be in force after passage and publication as provided by law.

Dated this 10 day of OCTober, 1994 at the Town of Cutler, Wisconsin.

CUTLER TOWN BOARD


Robert Hayward


Martin Potter


James Hayward

Attest:


Mary Watterson, Clerk

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