

Town of Lyndon, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 3.02 OF THE
MUNICIPAL CODE OF THE TOWN OF LYNDON
REGARDING UNLICENSED MOTOR VEHICLES**

WHEREAS, pursuant to the Town's police powers, the Town Board has the authority to regulate the amount and placement of unlicensed and inoperable motor vehicles and vehicle parts within the Town; and

WHEREAS, the Town Board has determined that regulating such items as set forth below would promote the public health, safety and welfare of the Town and its inhabitants;

NOW, THEREFORE, the Town Board of the Town of Lyndon does hereby ordain as follows:

Section 1. Creating Code Section. Section 3.02 of the Municipal Code of the Town of Lyndon is hereby created to read as follows:

3.02 Regulation of Unlicensed and Inoperable Motor Vehicles.

(1) Definition. "Motor vehicle" means any motor vehicle which requires a license when used upon public roadways within the State.

(2) Prohibited Activity. It is unlawful to keep unlicensed, inoperable or disassembled motor vehicles or used motor vehicle parts.

(3) Exceptions.

(a) One (1) motor vehicle which is unlicensed and/or inoperable disassembled motor vehicles or used motor vehicle parts.

(b) Motor vehicles and motor vehicle parts completely hidden from public view in garages, enclosed sheds or other like structures; a fence is not considered a structure under this subsection.

(c) Automobile salvage yards or salvage dealers which are licensed by the Town and the State, and which operate in areas properly zoned for such activity.

(d) Used and new car dealers which are licensed by the State and which operate in areas properly zoned for such activity, including a conditional use permit if required.

(e) Motor vehicle repair facilities located in areas properly zoned for such activity, including a conditional use permit if required.

(4) Notice. The Town, its employees or agents, upon discover upon discovering a violation of this section, shall notify the owner (and occupant, if different) of such violation, that the offending vehicle(s) or parts be removed within 30 days, and that failure to remove the same shall subject the violator to fines for each day said violation continues.

(5) Penalty; Enforcement

(a) Any violator of this section shall be penalized a forfeiture not exceeding \$500.00. Penalties are doubled for second and subsequent offenses.

(b) Each motor vehicle or part allowed to remain on property in violation of this section constitutes a separate offense for each day said violation occurs.

(c) The Town may seek equitable relief to enjoin violation of this section as a public nuisance.

(6) Special Charges. Whenever the Town, its employees, or agents remove vehicles or vehicle parts which are in violation of this section, the Town may assess the costs of removal and disposal as a special charge to the landowner, occupant or vehicle/part owner.

Section 2. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on: September 14, **2016**.