

**Ordinance Amending Chapter 18-52 (1) Regarding Public Nuisance – Junk and Junk Vehicles, Section 18.53 Regarding Definitions, and Section 18-54 Storage of Vehicles Restricted in the Municipal Code of the City of Tomah**

The Common Council of the City of Tomah do ordain as follows:

**SECTION ONE:** Chapter 18, Section 18-52 (1) Public Nuisance is hereby amended to read as follows:

**Sec. 18-52. - Public nuisance.**

The following are hereby declared to be a public nuisance wherever they may be found within the city:

(1) Any motor vehicle, truck body, tractor, and recreational vehicle as enumerated and defined in section 18-53.

(2) Any junk stored contrary to provisions set forth in this article.

**SECTION TWO:** Chapter 18, Section 18-53 – Definitions is hereby amended to read as follows:

**Sec. 18-53. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accumulation* means an assemblage, gathering, compilation, stocking or aggregation of junk material or materials. For the purpose of determining whether a person has an accumulation, the amount, type, quantity and nature of all materials possessed by the person on all property owned or under the person's control is relevant.

*Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, and recreational vehicles* means:

(1) Motor vehicles, truck bodies, tractors and trailers in such a state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

(2) Recreational vehicles in such a state of physical or mechanical ruin as to be incapable of propulsion, intended performance and function.

*Inoperable vehicle* means a motor vehicle or recreational vehicle, regardless of whether it is licensed, that is not in operating condition. A motor vehicle is "in operating condition" if the motor vehicle can be started and actually operated on the highways of this state without requiring repairs, or borrowing of parts, batteries or materials from other vehicles. A vehicle stored in the open which has not actually moved for more than two months is rebuttably presumed to be inoperable if it cannot be started and operated on the highway at the same time as any other vehicle in the accumulation or owned by the same person, entity or family.

*Junk* means worn out or discarded material of little or no value, that have an adverse effect upon the neighbors or city property values, health, safety or general welfare including, but not limited to, the following material:

- (1) Household appliances or parts thereof;
- (2) Machinery and equipment or parts thereof;
- (3) Vehicles or parts thereof;
- (4) Tools or discarded building materials, including the following:
  - a. More than one cord of scrap wood which is not stacked in an orderly manner.
  - b. Pallets which have not been used or moved for more than six months.
  - c. Metal, glass, plastic or mineral materials which are not part of an item which is in current household or commercial use and in working condition.
  - d. Appliances, including (without limitation by enumeration) washing machines, clothes dryers, dishwashers, refrigerators, stoves, ovens, microwaves, trash compactors and freezers which are not in operating condition.
  - e. Food scraps, except when stored in compost piles maintained in accordance with Wis. Admin. Code ch. NR 402.
  - f. Sawdust, industrial waste, slag, waste concrete, debris, castings, grease or other commodities or materials which are generated in the course of a manufacturing or construction process, except when stored as inventory, or for disposal within 30 days, on the property on which these materials are found.
  - g. Unlicensed automobiles\_ motor vehicles which are not in operating condition or are being used for storage of materials.
  - h. Medical waste or debris.
  - i. Unusable or highly deteriorated mattresses, box springs and furniture.
  - j. Garbage.
  - k. Any material which is likely to harbor mosquitoes or other pests or larvae.
  - l. A mobile home or camper or manufactured home which has not been used for residential purposes for more than 12 months and which is in a deteriorated condition and is no longer habitable.
  - m. Farm machinery which is no longer in use and is no longer usable.
  - n. Building and construction materials and supplies that have not been used or moved for more than six months.

*Motor vehicles.* Any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, and tractors.

*Recreational Vehicles.* A vehicle primarily used for leisure activities, including but not limited to all-terrain vehicles, boats, with or without trailers, camping trailers, jet skis, motor home, utility trailers, snowmobiles, and like motorized and non-motorized vehicles.

*Operating condition.* A motor vehicle is in operating condition if the motor vehicle can be started and actually operated on the highways of this state without requiring repairs, or borrowing of parts, batteries or materials from other vehicles. A vehicle stored in the open which has not actually moved for more than two months is rebuttably presumed to be inoperable if it cannot be started and operated on the highway at the same time as any other vehicle in the accumulation or owned by the same person, entity or family.

*Unlicensed motor vehicles, truck bodies, tractors, or recreational vehicles.* Motor vehicles, truck bodies, tractors, or recreational vehicles which do not bear lawful current license plates or Wisconsin DNR registration numbers.

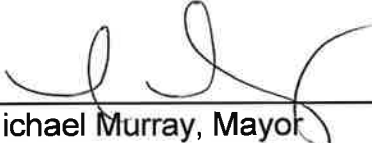
**SECTION THREE:** Chapter 18, Section 18-54 – Storage of Vehicles Restricted is hereby amended to read as follows:

**Sec. 18-54. - Storage of vehicles restricted.**

- (a) No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, or any unlicensed motor vehicle, truck body or tractor in the open upon any public or private property in the city.
- (b) No person shall accumulate, store or allow any disassemble, inoperable, junked or wrecked recreational vehicle or any unlicensed recreational vehicle that requires licensing in the open upon any public or private property in the city.

**SECTION FOUR:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION FIVE:** This ordinance should take effect upon passage and publication.

  
\_\_\_\_\_  
Michael Murray, Mayor

**ATTEST:**

  
\_\_\_\_\_  
JoAnn Cram, City Clerk

Read: 11/13/2018 & 12/11/2018

Passed: 12/11/2018

Published: 12/21/2018

