

Chapter 2

Public Health and Welfare

2.01 Licensing of Commercial Salvage Yards.

(1) Purpose. The Town of Springfield 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 Springfield. Unlicensed operation of salvage yards presents a threat to the public health and safety of the citizens of Town of Springfield and to the natural environment and property values of Town of Springfield. The provisions of this subsection of this ordinance are adopted pursuant to the authority granted to Town of Springfield 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 ordinance 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:

1. Any junk or scrap metal.
2. Any junk or scrap wood.
3. Junk metal alloy.
4. Junk synthetic or organic material.
5. Two or more junked, ruined dismantled or wrecked motor vehicles or machinery or parts thereof.
6. 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).
7. Unusable appliance(s).
8. 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.)
9. 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, without a license from the Town, within the unincorporated areas of Town of Springfield:

- (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.

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

(4) 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.)

(5) Licensed Operations.

(a) The owner of every salvage yard in the Town shall annually apply for a license to operate the salvage yard. There shall be a \$75 fee for the license. The license shall be issued by the Town Clerk-Treasurer if there are no pending complaints against the owner.

(b) A license, when issued, shall be valid for a calendar year. The license shall expire at midnight on December 31 of each year.

(c) Every owner of a licensed salvage yard shall be responsible for picking up or removing any material, waste or debris which is found outside the salvage yard property as the result of the action of wind or spillage from transport vehicles.

(d) Every owner and/or operator of a salvage yard shall be responsible for the cost of repairs of any Town road which is damaged by transports used to haul junk to or from the salvage yard.

(e) Every salvage yard owner and operator shall use all necessary precautions to assure that gasoline, oil, solvents and other chemicals are removed from junk which is in storage or otherwise act to prevent contamination of the soil and/or groundwater.

(f) The license issued hereunder does not authorize the salvage yard operator to accept solid waste or garbage or constitute approval of the salvage yard as a landfill.

(6) Administration and Enforcement.

(a) Code Enforcement. The Town of Springfield Board of Supervisors hereby assigns the duties of administering this subsection of this ordinance to the Town of Springfield 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 any 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 (7) 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:

1. 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

2. Issue a citation for violation of this ordinance pursuant to this ordinance; or

3. When violations are initiated and pursued by the Town of Springfield Town Board proper legal action shall be brought through the Town of Springfield 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 Springfield may ask the Circuit Court, upon the petition of and at the request of the Town of Springfield, to order removal of the violating junk, vehicles, tires, etc., at Town of Springfield expense. The Town of Springfield shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the Town of Springfield 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 Springfield cost incurred in the removal of such items be assessed against the violating possessor of that property and/or owners.

(d) Any person, firm, corporation or other legal entity failing to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$75 nor more than \$500, plus costs of the prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense.

(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.

2.02 Dog Licences. Pursuant to s. 174.05 (3), Wis. Stats., the following schedule is created for dog license taxes:

(1) Neutered male or spayed female: \$20.00

(2) Unneutered male or unspayed female: \$25.00

(3) Kennel license: \$80.00 for as many as twelve (12) dogs

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

(5) Any owner of a dog which is five months of age or older in the Town of Springfield shall pay the appropriate license tax for the calendar year. The tax shall be paid to the Town Clerk-Treasurer. If the license tax is not paid before April 1 of any year, a late payment fee of \$5 shall be paid in addition to the license tax.

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

2.03 Pound Designated.

(1) The Town of Springfield 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.

(2) Any amount of dog license taxes received by the Clerk-Treasurer which exceeds \$1,000 after deduction of expenses of tax collection, dog licensing and payment of dog damage claims under s.174.11, Wis. Stats., shall be paid to the designated pound for provision of the pound.

2.04 Dog At Large.

(1) 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.

(2) 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.

(3) 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.

(4) (a) If a dog is found at large, the Town may cause the dog to be captured.

(b) When a dog is captured, the Town shall attempt to notify the owner to retrieve the dog. If the owner is unknown, cannot be contacted or does not retrieve the dog by the time the town hall closes for the evening (excluding meetings held at night), then the Town may impound the dog at its official pound, or at some other humane and suitable place.

(c) 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.

(d) The first time the Town captures a dog, the owner shall receive a written warning and shall pay the costs of capturing and holding the dog, which shall be \$50.00 per day or partial day. The second and subsequent times that a dog is captured, the owner shall forfeit the sum of \$75.00 plus all applicable assessments and surcharges.

2.05 Penalties. Any person who violates any provision of this ordinance may be penalized not less than \$25 nor more than \$1,000. The schedule of deposits for enforcement of this ordinance through citation shall be:

Offense Forfeiture Total*

2.02 No Tags or No Vaccination \$20.00 \$104.60

2.04 Dog at large \$50.00 \$141.50

2.04 (11) Misc. violations \$50.00 \$141.50

* The total includes the penalty assessment, court costs, justice information fee, jail assessment and court support fee, in the amounts which are mandated by Wisconsin law.

2.06 State Fire Codes Adopted. (1) The following Chapters of the Wisconsin Administrative Code are hereby adopted as Ordinances of the Town of Springfield:

- ILHR 7: Explosive Materials
- ILHR 9: Manufacture of Fireworks
- ILHR 10: Flammable and Combustible Liquids
- ILHR 11: Liquified Petroleum Gases
- ILHR 12: Liquified Natural Gases
- ILHR 13: Compressed Natural Gases
- ILHR 14: General Hazard Fire Prevention
- ILHR 15: Cleaning and Dyeing
- ILHR16: Electrical Code, Volume 1 and 2
- ILHR 20-25: Uniform Dwelling Code
- ILHR 28: Smoke Detectors
- ILHR 30: Fire Department Health and Safety Standards
- ILHR 43: Anhydrous Ammonia
- ILHR 50-64: Building, Heating, Ventilating and Air Conditioning
- ILHR 70: Historic Buildings
- ILHR 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 following schedule applicable to violations of fire codes:

FIRE CODE CASH DEPOSIT TOTAL

ILHR 7, 9, 10, 11, 12, 13,

- 14, 15, 16, 18, 20-25,
- 28, 30, 32, 41-42, 43,50-64, 70: \$75 \$172.25

ILHR 54.05 and 55.08

- Occupancy Limits:
- 1-10 over the rated capacity: \$75 \$172.25
- 11+ over the rated capacity: \$100 \$203.00

This ordinance shall take effect after adoption by the Town Board and publication.

Dated July 1, 2003

TOWN BOARD, TOWN OF SPRINGFIELD

James Ripp, Chair
Mary Hellenbrand, Supervisor I
James Pulvermacher, Supervisor II
Don Hoffman, Supervisor II
Rene3 Ripp, Supervisor IV

I, Sherri Endres, the Clerk of the Town of Springfield, hereby certify that the Town Board of Springfield duly adopted the above ordinance, which ordinance was on file for inspection for at least two weeks prior to its adoption, and which is a codification of previous ordinances pursuant to sec. 66.035, Stats., was posted in three places within the Town on May 29, 2003.

Sherri Endres, Clerk-Treasurer