

ORDINANCE 2019 - 11

AN ORDINANCE RENUMBERING SECTION 101.23 OF THE CODE OF ORDINANCES RELATING TO PARKING, KEEPING OR STORING OF DISABLED, INOPERABLE, INCOMPLETE OR UNREGISTERED MOTOR VEHICLES TO CHAPTER 306 AND MAKING AMENDMENTS TO RENUMBERED CHAPTER 306.

The Common Council of the City of Richland Center, Wisconsin does ordain as follows:

SECTION 1:

Section 101.23 of the Code of Ordinances of the City of Richland Center is renumbered Chapter 306 and amended to read as follows:

CHAPTER 306

PARKING, KEEPING OR STORING OF DISABLED, INOPERABLE, INCOMPLETE OR UNREGISTERED MOTOR VEHICLES OR VEHICLE PARTS OUTSIDE A BUILDING PROHIBITED.

306.01 PARKING, KEEPING OR STORING DISABLED, INOPERABLE, INCOMPLETE OR UNREGISTERED MOTOR VEHICLES OR VEHICLE PARTS OUTSIDE OF AN ENCLOSED BUILDING PROHIBITED.

(1) **GENERAL PROHIBITION.** No person shall park, keep, store or maintain any disabled, inoperable, incomplete or unregistered motor vehicle or motor vehicle part in any of the following areas within the City of Richland Center:

(a) **Residential Zoning Districts.** Outside of a fully enclosed hard-sided garage or other fully enclosed hard-sided building on any property which is in a residential zoning district.

(b) **Commercial, Industrial or Industrial Park Zoning Districts.** Outside of a fully enclosed garage or other fully enclosed hard-sided building on any property which is in a commercial, industrial or industrial park zoning district, except that where such keeping is in connection with and necessary to the operation of a garage, body shop, auto repair business, service station or other similar business, a damaged vehicle or a vehicle awaiting repairs may be kept, stored or maintained outside such enclosed garage or enclosed building for a period not to exceed in the aggregate ten (10) days out of any sixty (60) day period for the purpose of procuring parts for such vehicle or completing repairs to the vehicle.

(c) Violations.

1. Each vehicle parked, kept, stored or maintained contrary to sub. (1) shall constitute a separate violation.
2. Each day that a vehicle is parked, kept, stored or maintained contrary to sub. (1) (a) .

(d) Storage within a building.

If any such items are stored within a building all door(s) to such building shall be kept closed at all times except when someone is present and actually using the door(s) for access to the building. A structure consisting of a frame covered by a soft roof and/or soft sides or a structure having open sides shall not constitute a building under this Chapter.

(2) PERSONS LIABLE. Prosecution for a violation of Chapter 306 may be maintained against any or all of the following persons:

- (a) Any owner of the real estate upon which the violation exists.
- (b) Any lessee or other person in lawful possession of the premises upon which the violation exists.
- (c) The owner of the offending vehicle.
- (d) The person in whose name the offending vehicle was last registered or in whose name the vehicle is titled as shown in the records of the Wisconsin Dept. of Transportation.

(3) DEFINITIONS. In this section:

- (a) "Unregistered motor vehicle" means any motor vehicle that is not displaying valid registration plates, a valid temporary operation plate or other evidence of registration as provided under Wis. Stat. § 341.18 (1) for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding thirty-one (31) days.
- (b) "Motor vehicle part" means any component of a motor vehicle which has been removed or separated from a vehicle, including but not limited to seats, doors, hoods, fenders, trunk lids, tires, wheels, engines, drive shafts, axles, transmissions, radiators or any other major component of a motor vehicle.

(4) FORFEITURE PENALTY.

- (a) Any person, partnership, corporation, limited liability company, voluntary association

or other legal entity who shall violate subsection (1) of this Section may be prosecuted for such violation and shall, upon conviction, forfeit to the City of Richland Center not less than \$200.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay.

(b) Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

(5) DECLARATION OF PUBLIC NUISANCES. Disabled, inoperable, incomplete or unregistered motor vehicles and/or motor vehicle parts parked, kept, stored or maintained contrary to section (1) are hereby declared to constitute public nuisances and may be proceeded against as such. Imposition of a forfeiture shall not bar proceedings for abatement of such public nuisances, nor shall proceeding for abatement of a public nuisance bar imposition of a forfeiture for the same violation.

(6) NON-EXCLUSIVITY OF REMEDIES. This chapter shall not be deemed to bar the City of Richland Center from taking any other action permitted by law in regard to any disabled, inoperable, incomplete or unregistered motor vehicle or motor vehicle parts within the City of Richland Center, including but not limited to action for injunctive relief.

(7) EMERGENCY PERMIT.

(a) The City Clerk and the City of Richland Center Police Department are hereby granted discretionary power to issue an emergency permit for the parking, keeping, storing, or maintaining of any disabled, inoperable, incomplete or unregistered motor vehicle or part thereof for a period not to exceed fourteen (14) days but only upon a showing of good cause by the person requesting the emergency permit upon application in writing filed with the City Clerk or Police Department, which emergency permit shall have the effect of tolling the operation of this Chapter for such fourteen (14) day period as to the vehicle described in such application. Application for an emergency permit shall identify the motor vehicle or part thereof to which it applies in sufficient detail to enable it to be distinguished from other similar motor vehicles or parts thereof.

(b) Such emergency permit shall be issued only once for the parking, keeping, storing or maintaining of any specific motor vehicle or part thereof described in any such application, to the same or to any other applicant, for the purposes of procuring parts for such vehicle or completing repairs to the vehicle.

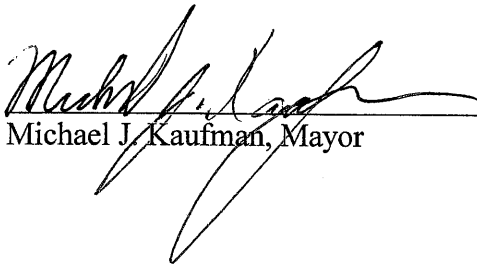
(c) No such emergency permit shall be issued after a citation for a violation of this chapter has been issued or other legal action has been commenced by the City relating to the same vehicle or vehicle parts and any such permit inadvertently issued after issuance of a citation or commencement of other legal action relating to the same vehicle or vehicle parts shall be void.

SECTION 2:


This ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 19th day of November, 2019

ATTEST:



Michael J. Kaufman, Mayor



Melinda D. Jones, City Clerk/Treasurer