

**FLORENCE COUNTY  
CODE OF GENERAL ORDINANCES  
CHAPTER 16**

**Ordinance Regulating Storage and Disposal of Automobiles, Tires, Junk and  
Other Miscellaneous Waste**

**Adopted by the Florence County Board of Supervisors on April 20, 2004.**

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FLORENCE COUNTY  
ORDINANCE REGULATING STORAGE AND DISPOSAL OF  
AUTOMOBILES, TIRES, JUNK AND OTHER MISCELLANEOUS WASTE

Florence County has found it necessary to regulate by ordinance the storage and disposal of automobiles, tires, junk and miscellaneous waste due to the fact that there has been a proliferation of junk yards, tire piles and miscellaneous materials within Florence County. The proliferation presents a threat to the public health, welfare, convenience, the natural environment, scenic beauty, and economic well-being of the citizens of Florence County. The provisions of this ordinance are adopted pursuant to the authority granted to Florence County by Wisconsin Statutes sections 59.55 (5); 84.31 (2), (b) & (9); and 175.25.

**1.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this chapter 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, and the word 'may' is always permissive. The masculine gender includes the feminine.

- (1) "Junk" means:
  - (a) Scrap metal, metal alloy, wood, concrete, or synthetic material including, but not limited to tanks, barrels, cages, pallets, wire/cable, furniture, culverts' & bricks.
  - (b) 15 or more waste tires.
  - (c) Any junked, ruined, dismantled, wrecked, unlicensed, unregistered, or inoperative motor vehicles, including but not limited to buses, trucks, cars and recreation vehicles.
  - (d) Any junked; ruined; dismantled; or wrecked machinery including but not limited to farm equipment, construction equipment, campers, snowmobiles, boats and parts thereof.
  - (e) Unusable appliances, or any part thereof.
  - (f) All or parts of dismantled buildings or structures that were not originally part of the land's principal or accessory buildings and have not been reconstructed within one year of their deposit on the land.
  - (g) All or parts of dismantled buildings or structures that were originally part of the land's principal or accessory use which has been destroyed by act of man or nature and have been dismantled or destroyed for more than 18 months.
  - (h) Farm equipment not in use and parts of farm equipment, except as provided in Section 2.1 (2).
  - (i) Parts of buildings or other structures, including abandoned mobile homes or house trailers.

- (2) "Junk yard" means any place which is maintained, owned, operated or used for the storage, keeping, processing, buying or selling of junk.
- (3) "Screened" means hidden from public view, from any other property or public right-of-way in a manner that is compatible with the surrounding environment and permitted under the applicable regulations. Screening could include a solid fence or evergreen planting of a height not less than 8 feet, behind buildings, or in natural depressions. Covering junk with tarps or like materials is not considered screened.

## **2.0 PROHIBITED ACTIVITIES**

No person, group of persons, company, firm, corporation or any other entity shall within the unincorporated areas for Florence County:

- (1) Store junk outside a building or within public view for a period in excess of 14 days except as provided by Section 2.0 (2) & (3) below.
- (2) Store parts of or entire dismantled buildings or fixtures outside of buildings or within public view for a period in excess of one year.
- (3) Leave parts of or entire destroyed buildings or structures outside of buildings or within public view for a period in excess of 18 months.

Any activity prohibited by Section 2.0 is declared a public nuisance.

## **2.1 EXCEPTIONS**

- (1) This chapter is not intended to regulate or place limitations on any properly zoned junk yard, salvage dealer, 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 as required and has been issued and all such licenses are in full force and effect.
- (2) This chapter is not intended to prohibit the storage of idle but operable farm equipment on farms with greater than 35 contiguous acres or the storage of inoperative or abandoned farm equipment screened from public view or adjacent property owners by a natural or man-made visual barrier.
- (3) This chapter is not intended to prohibit the storage of idle but operable snow removal vehicles or equipment.
- (4) This chapter is not intended to prohibit the storage of wood for fuel.
- (5) This chapter is not intended to regulate un-licensed and operable stock cars or vehicles for active personal use up to a limit of two (2) cars or vehicles.

### **3.0 ADMINISTRATION AND ENFORCEMENT**

The Florence County Board of Supervisors hereby assigns the duties of administering this chapter as follows:

#### **3.1 ADMINISTRATION AND ENFORCEMENT**

(1) Zoning Administrator

The Florence County Zoning Administrator or designee shall have the duty, responsibility and authority to enforce this chapter along with the assistance of Florence County Sheriff and his deputies. The committee of jurisdiction for Florence County is the Planning and Zoning Committee.

(2) It is the intent of the Florence County Board of Supervisors to have administration of this chapter, originate with the Town Board of the town where the alleged violation is located. The complainant shall file a written complaint letter with the Town Clerk who will place the item on the Town Board regular meeting agenda. The Board may invite the complainant, alleged violator, and any other interested person to the Town Board meeting to discuss the alleged violation. Town officials may conduct a site visitation of the alleged violation. The Board may resolve the complaint at the town meeting. Pursuant to formal Town Board action (such as resolution or motion in the Board minutes) the Board may refer the results of their investigation and recommendation to the Florence County Zoning Administrator in writing. The Zoning Administrator will further investigate the alleged violation and enforce the provisions of this chapter.

(3) If a Town Board refuses to act on a complaint as stipulated in Section 3.1 (2), the complainant may file a written complaint/letter with the Chairman of the Florence County Planning and Zoning Committee who will place the item on the regular committee meeting agenda. The Committee shall follow the same procedure as the Town Board as stipulated in Section 3.1 (2).

(4) The Zoning Administrator or designee may also initiate an investigation of the alleged violation or refer the complaint to the Town Board of the town where the alleged violation is located.

#### **3.2 VIOLATIONS AND PENALTIES**

Whenever a violation of this chapter is found, the following action may be taken:

(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.

(2) When violations are initiated and pursued by the Florence County Zoning Administrator, or designee. The administrator or designee will process the violation as a nuisance in accordance with Section 26, (4) (9) C of the Florence County Comprehensive Zoning Ordinance.

The county may file a petition against the property owner in the Florence County Circuit Court for an order compelling compliance with this ordinance. In addition the Court may order removal of the violating junk, tires, or similar materials at county expense. The county shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the county may place the amount of the invoice on the tax rolls as special assessment against the property in question.

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.

**4.0 EFFECTIVE DATE**

- (1) This ordinance shall take effect upon its passage and publication and shall remain in full force and effect as may be amended from time to time until repealed by the Florence County Board of Supervisors.
- (2) If any portion of this ordinance is to be judged or found unconstitutional or invalid by any court in the State, the remainder of this ordinance shall not be affected and shall remain in effect.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Chairperson, Florence County Board of Supervisors

\_\_\_\_\_  
Geraldine Meyer, Florence County Clerk