

**NOTICE OF PUBLIC HEARING FOR
ORDINANCE AMENDMENT 2023-OA-009
BY THE DANE COUNTY ZONING AND LAND REGULATION COMMITTEE**

Notice is hereby given that the Dane County Zoning and Land Regulation Committee will hold a public hearing in Room 354 of the City-County Building, 210 Martin Luther King Jr, Blvd, Madison, Wisconsin on the item listed below, on Tuesday, May 23, 2023 at 6:30pm. This will be a hybrid meeting. Members of the public may attend the meeting either in person at the location listed above, OR virtually by phone or computer.

A virtual meeting will be held using the ZOOM meeting app. All persons wishing to speak on an agenda item must pre-register for the meeting at least one hour in advance of the meeting. Please call 608-266-4266 or contact us via email at plandev@countyofdane.com to obtain a registration slip. Any written testimony must be submitted within one week prior to the public hearing (May 16th) by emailing it to plandev@countyofdane.com. To attend the meeting by computer go to: <https://zoom.us/s/93094865254>. To attend the meeting by phone: Dial 1-888-788-0099 and enter Webinar ID: 930 9486 5254. To register in support or against, or register to comment at the meeting register at https://zoom.us/webinar/register/WN_nA3NJfu6QeyeDVtMz8C0og. To obtain more details regarding this amendment, please call 608-266-4266. You may review the ordinance amendment text at: <https://dane.legistar.com/Legislation.aspx> and entering "2023 OA-009" in the file/enactment # text box. Please contact Hans Hilbert at Hilbert.hans@countyofdane.com or (608)266-4993 with questions about the amendment or if you have difficulty accessing the text.

1. 2023 OA-009. AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, 4 REGARDING SALVAGE OPERATIONS.

PUBLISHED: Wisconsin State Journal
May 9 & 16, 2023
Zoning and Land Regulation Committee



Dane County Planning & Development Zoning Division

TO: Town Clerks, Supervisors & Planning Commissioners

FROM: Hans Hilbert, Assistant Zoning Administrator

DATE: May 5, 2023

RE: **Ordinance Amendment 2023 OA-009 regarding salvage operations**

Ordinance Amendment 2023 OA-009, regarding salvage operations has been introduced by the County Board. The Zoning & Land Regulation (ZLR) Committee will hold a public hearing on OA-009 on May 23, 2023 at 6:30 pm. Instructions for attending the hybrid meeting are included on the public notice.

As an amendment to Chapter 10, towns have the option to review and take action on the amendment. While town action is not required, if it is taken, it must be submitted within 30 days of the County public hearing to be counted. Any town action on OA-009 is due by June 22, 2023. Please direct any questions to Hans Hilbert at 608-266-4993, or hilbert.hans@countyofdane.com.

I. Summary

The proposed amendment will result in the following changes:

- Salvage Operations are added as a conditional use in the Industrial Zoning District.
- The term “salvage yard” is replaced with “salvage operation”.
- References to junkyards are removed.
- The County salvage licensing requirement is eliminated.

II. Description

Prior to the comprehensive rewrite of Chapter 10, Zoning, in 2018 salvage operations were a permitted use (if conducted entirely indoors) or a conditional use (for outdoor operations) in the industrial zoning district. In 2022, zoning staff discovered, due to changes in definitions, that the salvage yard use was removed from the industrial zoning district. We feel that this was an unintended outcome of the rewrite and this amendment is intending to correct it.

The term “salvage yard” implies that regulation is specific to a premise. This amendment changes the definition to “salvage operation” which encompasses the entire land use of salvaging. By defining the land use the County is better able to apply the zoning ordinance in conjunction with the regulatory licensing of the Wisconsin Department of Transportation for auto salvaging.

This amendment removes redundant ordinance language by removing references to junkyards.

Lastly, this amendment removes the county licensing requirement for salvage operations. This annual license has been in place since the 1930's, currently we license 8 sites. In review, we have determined that this license is unnecessary to enforce compliance with zoning requirements. Operators are subject to DOT and DNR licensing, as well as conditions of conditional use permits. This amendment adds an

annual inspection requirement as a standard condition on all conditional use permits for salvage operations.

III. Timeline for town action

Town action on the proposed ordinance amendment must be provided to the County within 30 days of the County public hearing on the amendment. While it is good practice for towns to take action on text amendments to Chapter 10, it is not required.

Town officials, please review the enclosed ordinance amendment text and submit a Town Board action report by June 22, 2023. You may complete the enclosed form and submit it by mail or fax, or you may utilize the online reporting tool available on our website at <https://danecountyplanning.com/Town-Information-Page>. The online reporting tool option will be available following the May 23, 2023 public hearing.

Enclosures:

2023 OA-009 Public Notice

2023 OA-009 Ordinance Text

Town Board Action form

2023 OA-009

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING SALVAGE OPERATIONS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Sections 10.004 is amended to read as follows:

10.004 DEFINITIONS.

(80) Junkyard. (See Salvage ~~yard~~Operation.)

(116) Outdoor sales, display, or repair.

(c) Such land uses do not include uses where the outdoor sales or display area is less than 15 percent of the gross floor area of any principal building where sales are also conducted, which are instead classified in the "indoor sales" land use category; motor vehicle repair or maintenance, which are instead classified in the "Drive-in establishment" category; drive-in theaters, which are instead classified in the "outdoor commercial entertainment" category; or the storage or display of inoperative vehicles or materials typically associated with a junkyard or salvage ~~yard~~operation.

(117) Outdoor storage.

(b) Outdoor storage does not include loading and parking areas, storage of materials typically associated with a salvage ~~operation or junkyard~~, salvage recycling centers or solid waste recycling centers.

(135) Salvage ~~yard~~Operation. An area where junk, waste or scrap materials are bought, sold, exchanged, stored, recycled, baled, packed, disassembled or handled.

(a) For the purposes of this definition, waste or scrap materials may include, but are not limited to: garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans or bottles.

(b) A salvage ~~operation or junk yard may shall~~ include ~~a motor vehicle wrecking or dismantling yard any use requiring a motor vehicle salvage dealer's license under Wis. Stat. s. 218.205.~~

(c) A salvage ~~or junk yard~~operation does not include a solid waste recycling center, composting facilities or processing operations meeting the definition of an agriculture-related use.

(143) Solid waste recycling center. ~~(See also Salvage yard.)~~ A solid waste disposal operation at which temporary storage and processes such as baling of

47 paper, grinding of glass and flattening of cans, are conducted on segregated
48 solid waste to facilitate reuse of the segregated solid waste as raw material.

49
50 **(169) Vehicle repair or maintenance service.** Includes all principal land uses that
51 perform repair, maintenance, or painting services to motorized vehicles. Vehicle
52 repair or maintenance service shall include all operations requiring a motor
53 vehicle salvage dealer's license under Wis. Stat. s. 218.205.

54
55
56 ARTICLE 3. Section 10.102(4) is amended to read as follows:

57 **(4) Junk and refuse.** Except for salvage yards operations, solid waste disposal
58 operations or solid waste recycling centers under an approved conditional use
59 permit, all properties shall be free of accumulated junk or refuse.

60
61
62 ARTICLE 4. Section 10.103(17) is amended to read as follows:

63 **(17) Salvage yards operations or junkyards.**

64 ~~**(a) Use.** For purposes of this ordinance, any premises used for the storage,~~
65 ~~gathering, recycling or sale of junk, as defined in this chapter, is a salvage~~
66 ~~recycling center. A salvage recycling center need not have a commercial~~
67 ~~purpose.~~

68 ~~**1.** Junk, as defined under this chapter, may be stored on any premises on~~
69 ~~which a permitted business enterprise is actually conducted, provided, that all~~
70 ~~such junk is actually used in the conduct of such permitted business enterprise,~~
71 ~~and that all such junk is at all times stored in an enclosed building on the~~
72 ~~premises, thereby securing it from public view.~~

73 ~~**2.** Junk, as defined in this chapter, may be stored on any premises used~~
74 ~~chiefly for residential purposes, provided that it is stored solely for eventual use~~
75 ~~on the premises, and that all such junk is at all times stored in an enclosed~~
76 ~~building thereby securing it from public view.~~

77 **(ba) Location and boundaries.**

78 **1.** No salvage yard operation or junkyard shall be located within one hundred
79 (100) feet of the boundary of any residential district.

80 **2.** No salvage yard operation or junkyard with outdoor operations shall be
81 located within the zone of contribution to a municipal well, as shown in the most
82 current adopted version of the Dane County Water Quality Plan.

83 **(cb) License.**

84 **1.** If applicable, the operator of a salvage operation shall be required to obtain
85 a motor vehicle salvage dealer's license under Wis. Stat. s. 218.205.

86 ~~Before any premises may be used as a privately operated salvage yard or~~
87 ~~junkyard, it shall be licensed. Application for such license shall be made to the~~
88 ~~zoning administrator, setting forth the description of the premises, the nature of~~
89 ~~the business and the materials to be handled, the type of construction of any~~
90 ~~building to be used in connection with the business, the applicant's name or~~
91 ~~names, officers, if any, and address of each. The application shall be referred to~~
92 ~~the zoning committee which shall, within a reasonable time, hold a public~~

93 ~~hearing, notice of which shall be given by a class 2 notice under chapter 985,~~
94 ~~Wis. Stats. If, after such public hearing, the zoning committee finds that the~~
95 ~~premises are in conformity with the provisions of this ordinance, and that the site~~
96 ~~is suitable for the conduct of such business, the committee shall grant a license,~~
97 ~~and such license shall expire on July 1 of each year. Licenses may be renewed~~
98 ~~from year to year on authorization of the committee when inspection discloses~~
99 ~~that the business is being conducted in accordance with the provisions of this~~
100 ~~ordinance.~~

101 ~~2. Revocation of license. Upon the complaint of any interested person, or on~~
102 ~~its own motion or after inspection discloses that the provisions of this ordinance~~
103 ~~are being violated, the zoning committee may hold a public hearing to determine~~
104 ~~whether a privately operated salvage yard or junkyard license shall be revoked,~~
105 ~~notice of such hearing to be given to all interested parties. After public hearing,~~
106 ~~the zoning committee may order the license revoked.~~

107 ~~3. Should any town elect to license salvage yard or junkyards by adoption of~~
108 ~~an ordinance pursuant to the provisions of s. 59.55(5), Wis. Stats., and file a~~
109 ~~copy of such ordinance with the zoning department, then the provisions of~~
110 ~~paragraphs (a) and (b) above shall not apply, but no such license shall be issued~~
111 ~~by any town for such purpose unless the area is properly zoned and unless the~~
112 ~~zoning committee, after public hearing, determines that the site is suitable. When~~
113 ~~a salvage yard or junkyard is licensed by the town, then the responsibility of~~
114 ~~controlling such salvage yard or junkyard rests with the town.~~

115 ~~(c) Inspection. All salvage operations shall be subject to an annual inspection~~
116 ~~by the Zoning Administrator to confirm compliance with this ordinance.~~

117
118
119 ARTICLE 5. Section 10.281(3)(k) is amended to read as follows:

120 **10.281 RI (RURAL INDUSTRY) ZONING DISTRICT.**

121 (3) Conditional uses.

122 (k) ~~Salvage yard operations or junkyards.~~

123
124
125 ARTICLE 6. Section 10.282(3)(q) is created to read as follows:

126 **10.282 MI (MANUFACTURING AND INDUSTRIAL) ZONING DISTRICT.**

127 (3) Conditional uses.

128 (q) Salvage operations.

129
130
131 ARTICLE 7. Section 10.500(2)(c)8. is rescinded:

132 **10.500 ROLES, RESPONSIBILITIES AND DUTIES.**

133 (2) Zoning and Land Regulations Committee.

134 (c) Powers and Duties. The zoning committee shall have the following powers
135 and duties:

136 ~~8. Review and issue annual licenses for salvage yards and junkyards under s.~~
137 ~~10.103(17)(e).~~

140 *[EXPLANATION: This amendment conforms definitions and procedures with*
141 *state law regarding salvage operations and motor vehicle salvage operations.]*

TOWN BOARD ACTION REPORT
FOR CHAPTER 10 ORDINANCE AMENDMENT

REGARDING ORDINANCE AMENDMENT: #2023 OA-009

DANE COUNTY ZLR PUBLIC HEARING DATE: May 23, 2023

RETURN TO DANE COUNTY ZONING BY: June 22, 2023

PLEASE BE ADVISED: IF THIS ACTION REPORT IS NOT RETURNED TO THE DANE COUNTY ZONING OFFICE WITHIN THIRTY (30) DAYS OF THE ABOVE PUBLIC HEARING DATE YOUR ACTION REPORT WILL NOT BE CONSIDERED.

Whereas, the Town Board of the Town of _____, having considered said Ordinance Amendment, be it therefore resolved that said Ordinance Amendment is hereby (check one):

- APPROVED
- DENIED

PLANNING COMMISSION VOTE: _____ In Favor _____ Opposed

TOWN BOARD VOTE: _____ In Favor _____ Opposed

COMMENTS:

I, _____, as Town Clerk of the Town of _____ County of Dane, hereby certify that the above Ordinance Amendment was acted on in a lawful meeting of the Town Board on _____, 20____.

DATE: _____, 20____

_____ Town Clerk