



November Case Law Update November 30, 2014

A summary of Wisconsin court opinions decided during the month of November related to planning

For previous Case Law Updates, please go to: <http://www.wisconsinplanners.org/lawandlegislation.html>

Wisconsin Supreme Court Opinions

[No planning-related cases to report.]

Wisconsin Court of Appeals Opinions

Village's Junk Vehicle Ordinance Valid

In [Village of North Hudson v. Krongard](#) the Wisconsin Court of Appeals upheld the Village's junk vehicle ordinance against a challenge that it conflicted with state traffic regulations and that it was vague. Krongard was cited under the ordinance for having two vehicles in plain view on his property that were deemed junk due to expired registrations. Krongard challenged the citations arguing that the ordinance was preempted by state traffic regulations in chapters 341 to 348 and 350 in the Wisconsin Statutes. The Village argued that the ordinance was not preempted by state traffic regulations because they regulated two completely different issues--the Village's ordinance was concerned with the upkeep of private property whereas the state traffic regulations were concerned with the operation of vehicles. The Court of Appeals agreed with the Village finding that the ordinance was a valid exercise of the Village's police power authority granted to villages in Wis. Stat. § 61.34. Krongard also contended the ordinance was vague but the Court of Appeals disagreed finding that the ordinance clearly indicated what constituted a violation of the ordinance and the consequences for such a violation.

The case is not recommended for publication in the official reports.