

Chapter 8.04

ABANDONED AND JUNKED VEHICLES

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8.04.010 **Applicability.**

The provisions of this chapter shall apply to all vehicles which are stored on either public or private property, that are in such condition as to be deemed to be junk or junked vehicles as defined in this chapter. (Ord. dated 3/10/94, § 1)

8.04.020 **Definitions.**

As used in this chapter:

“Junk vehicle” means a vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap, or any other vehicle not in compliance with Chapter 341 and 347 of the Wisconsin Statutes and Chapter MVD-5 of the Wisconsin Administrative Code, as may be amended from time to time. “Junk vehicle” shall also mean any vehicle without a current registration from any state.

“Owner” means the individual owner of the vehicle in question or the owner, tenant or occupant of the premises upon which a vehicle is located.

“Vehicle” means any mobile home, moped, motor bicycle, motor bus, motorcycle, motor home, motor truck, automobile, or any other vehicle as defined in Chapter 340 Wisconsin Statutes as may be amended from time to time. (Ord. dated 9/14/95 (part); Ord. dated 3/10/94, § 2)

8.04.030 **Prohibition.**

A. No person, firm, partnership or corporation shall accumulate or store any junk or junked automobiles or parts thereof outside of any building on any real estate within two thousand (2,000) feet outside of the corporate limits of a city or a village or within seven hundred fifty (750) feet of the centerline of any county trunk, state trunk or federal highway or within five hundred (500) feet of the centerline of any town road, except upon a permit issued by permission of the town board.

B. Any person, firm, partnership or corporation violating any of the provisions hereof shall, upon conviction, forfeit not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense, and in default of payment of the forfeiture, shall be imprisoned in the county jail at the rate of one day for each twenty-five dollars (\$25.00) of forfeiture which remains unpaid. Each day that junk or junked vehicles, as defined in Section 8.04.020, shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense, for which a separate forfeiture shall be imposed for each such separate and distinct offense.

C. A permit issued by the town board shall be signed by the chairman and clerk thereof and shall specify the quantity and manner of storing such junk or junked vehicles. Such permit shall be revocable at any time by such board after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junk or junked automobiles or parts thereof. Such hearing may be held by the board of any town upon its own motion, or upon a complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint together with a notice

of the hearing shall be served upon the permit holder not less than ten (10) days previous to the date of hearing.

D. Any person, firm, partnership or corporation now engaged in the business of accumulating or storing and leaving accumulated or stored junk or junked automobiles, or parts thereof, outside of any building on any real estate within two thousand (2,000) feet outside the corporate limits of a city or village, or within seven hundred fifty (750) feet of the centerline of any state trunk or federal highway in any town may, upon application therefore to the governing body of such town upon showing such facts, be granted a permit for such place of accumulation or storage; any person, firm, partnership or corporation succeeding a business now engaged in accumulating or storage and leaving accumulated and stored junk or junked automobiles, or parts thereof, outside of any building on real estate as herein before provided, may likewise be granted such permit. (Ord. dated 9/14/95 (part); Ord. dated 3/10/94, § 3)

8.04.040 Abandoned motor vehicles prohibited--Removal and disposal.

A. No person shall abandon or leave unattended, any motor home, or other vehicle as defined in Chapter 340 Wisconsin Statutes, as may be amended from time to time, on any public highway or public or private property for such time, and under such circumstances, that the vehicle reasonably appears to have been abandoned. Any vehicle that has been left unattended on private property without the permission of the property owner for more than forty-eight (48) hours within the town shall be deemed abandoned, except that a motor vehicle on private property shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when, after investigation by the police officer, the

vehicle has been designated as not abandoned.

B. Any vehicle in violation of this section shall be deemed a public nuisance and shall be impounded until lawfully claimed or disposed of as hereinafter set forth, except that if the police officer determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the town prior to the expiration of the impoundment period upon determination by the sheriff of Racine County, or any other law enforcement official having town jurisdiction, that the vehicle is not stolen or otherwise wanted for evidence or for any other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with subsection C of this section.

C. Any vehicle which shall be deemed abandoned and not otherwise disposed of, shall be retained in storage for a minimum period of ten (10) days after personal service of a notice has been given to the owner and any lien holder of record to permit reclamation of the vehicle after payment of all accrued charges. In the event that personal service cannot be obtained, such notice may be sent by certified mail, with return receipt requested, to the owner and any lien holder of record. The notice shall contain the following information:

1. Year, make, model and serial number of the vehicle;
2. The date and time when the vehicle was picked up and the place where the vehicle is being held;
3. The reason that the vehicle was picked up and is being held by the town;
4. That the failure of the owner or lien holders to exercise the right of reclamation under this chapter shall be deemed a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle.

In the event that the vehicle is not reclaimed by an owner or lien holder, the town shall dispose of the vehicle by sealed bid, and the town shall accept the highest bid for any such abandoned motor vehicle, always provided that if the bid is deemed inadequate by the chairman of the town board or by a duly authorized town representative, all bids may be rejected. In the event that bids are rejected, or no bid shall be received, the town chairman, or duly authorized town representative may, at his discretion, order the vehicle re-advertised for bid opening at a date certain or sell the motor vehicle at a private sale or as a junk motor vehicle. Notice of sealed bids shall be by advertising as a Class 1 Notice and by posting in not less than three places throughout the town, in the same manner as ordinances and resolutions are posted. Notices of sale shall be in the same form as the certified mail notice sent to the owner or lien holders of record. Upon sale of the abandoned vehicle, the town clerk shall supply the purchaser with a completed form designated by the Motor Vehicle Division of the Department of Transportation enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area and shall pay such charges for storage as may be established by the town or the owner of the premises to which the abandoned vehicle shall be removed for each day that the vehicle remains in storage after the second business day subsequent to the sale. Ten (10) days after the sale, the purchaser shall forfeit all interest in the vehicle, and the vehicle shall be deemed abandoned and may be sold again by the same procedure as set forth in this chapter. Sales may be to any interested person and any listing of vehicles to be sold by the town shall be made available to any interested person or organization which makes written request for such list to the

town clerk and upon the payment of a fee of one dollar (\$1.00) for each such list.

D. Within five days after the sale or disposal of an abandoned vehicle, as provided in this chapter, the town clerk shall advise the Motor Vehicle Division of the sale or disposition on a form supplied by the Motor Vehicle Division.

E. Upon the sale of the vehicle, the proceeds thereof shall be used to pay the cost of towing and impoundment, storage on town property at the rate of fifteen dollars (\$15.00) per day, the cost of notification and advertising, and such other costs as may be incidental to disposing of the vehicle. The excess thereof shall be held by the town treasurer for reclamation by the owner upon filing a proper claim therefore and paying all fines or forfeitures that may be imposed for violation of this chapter or any other ordinance and in the event that the proceeds from the sale are not sufficient to pay the cost of towing, impoundment, storage, advertising and related costs, the town may recover any deficiencies in a civil action against the owner of the abandoned vehicle. (Ord. dated 3/10/94, § 4)

8.04.050 Vehicle repair.

No person shall repair a vehicle not owned by him on his property outside of a properly zoned district, nor leave the same outside for more than twenty-four (24) hrs. (Prior code § 10.09)