

COVER PAGE FOR ABANDONED, UNLICENSED, JUNK VEHICLES.

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CHAPTER 8

ABANDONED, UNLICENSED, & JUNK VEHICLES

8.01 DEFINITIONS.

The following terms shall have the meanings indicated:

Administrative Rule. The specific requirements that may be created to regulate the storage of unlicensed motor vehicles:

1. Number of vehicles.
2. Size of enclosures (height, width, etc.).
3. Color.
4. Type of material.
5. Location.
6. Restrictions to certain zones only.
7. Etc.

Application. A written form upon which a request is made for a permit.

Enclosure. The type of construction required to hide and harbor vehicles from public view.

Junked Vehicle. Any abandoned, disassembled, dismantled, inoperable or wrecked instrument by which someone travels or something is conveyed, either by wheels, runners or tracks.

Licensed. Any license that is required to be carried by any motor driven vehicle when driven, used or propelled upon the public highway.

Owner. Considered to be the person or persons who occupy the premises and who may or may not be the responsible person or persons to harbor such unlicensed motor vehicle.

Permit. The written authority given by the Town Board to allow storage of unlicensed motor vehicles.

Salvage Dealers. Dealers regulated by §175.25, Wis. Stats.

Storage. The placement of a vehicle upon real property described in Town assessment and tax role.

Unlicensed Motor Vehicle. A vehicle required to be licensed by the State Department of Transportation when driven or propelled upon a public road, but is not so licensed.

Zoned-Zoning. Any land use control ordinance, County or Town, that may be in force.

8.02 UNLICENSED MOTOR VEHICLES.

No unlicensed motor vehicle shall be permitted to be stored, harbored or held upon any parcel of property in the Town without a proper permit issued by the Town Board for that purpose.

The Town Board is authorized to issue permits to store unlicensed motor vehicles upon a parcel of property when certain enclosure requirements have been met. (Enclosure requirements shall be established by an administrative rule adopted by the Town Board.) The type of enclosure to keep stored material from the general view of a passing public shall be predetermined by the Town Board and may be attached to this section as an amendment or administrative rule.

8.03 ABANDONED MOTOR VEHICLES.

A. No person or entity shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended as aforesaid without permission of the Town or property owner for more than 24 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

B. Any police officer having jurisdiction, who discovers any vehicle on any public or private property which has been abandoned, shall cause the vehicle to be removed to a suitable place of impoundment.

C. Any vehicle left unattended in violation of this chapter shall be impounded until lawfully claimed or disposed of under Section 8.07.

8.04 JUNKED VEHICLES.

No junked vehicle, or parts thereof, may be stored outside any building on any property located in the Town without a proper permit issued by the Town Board for that purpose. No person shall leave any junked vehicle on any street, highway or other public property within the Town. No person in charge or control of any private property within the Town, whether as owner, tenant, occupant or otherwise, shall allow junked vehicles to remain on such property for more than 60 days. The Town Board is authorized to issue permits to store junked vehicles upon a parcel of such property when certain requirements have been met. These requirements shall be established by administrative rule adopted by the Town Board. Such administrative rules shall govern the enclosure of junked vehicles for the purposes of storing junked vehicles from the general view of the passing public.

8.05 PERMITS REQUIRED.

A. A written permit to store an unlicensed or junked vehicle shall be issued upon proper application having been made and only after the applicant has met all the requirements of any administrative rule in force at the time the application is made as to the type of enclosure deemed necessary to be constructed, erected and maintained by the owner or occupant of the property.

B. A written permit form shall be furnished when a permit has been authorized to be issued by the Town Board.

C. Written application forms shall be furnished to any person upon request.

D. Applications for an unlicensed vehicle storage permit or junked vehicle storage permit shall be filed with the Town Clerk at least 10 days prior to the next regularly scheduled meeting of the Town Board.

E. Any application for an unlicensed motor vehicle storage permit or junked motor vehicle storage permit shall be acted upon within 60 days after it was filed with the Town Clerk.

F. If the permit is issued, it shall be issued for a period of 6 months.

G. If the permit is denied, the Town Board shall notify the applicant of such denial.

H. An annual permit fee of \$25 shall be paid into the Town Treasury before the permit is actually issued.

I. An application for an unlicensed motor vehicle storage permit or junked motor vehicle storage permit may be required annually.

J. An application for an unlicensed motor vehicle storage permit or junked motor vehicle storage permit shall bear the signature of either the owner or occupant of the property for which the permit is being sought.

8.06 ENFORCEMENT.

A. Enforcement of this section shall be the responsibility of the Town Board, and/or Police Department. The Zoning Administrator or Building Inspector may enforce any provisions of this chapter relating to his or her position.

B. Inspection of an enclosure facility may be executed each year before the next year's annual permit is acted on by the Town Board.

8.07 PENALTY.

A. Revocation of Permit. A permit to store unlicensed or junked vehicles may be revoked at any time that it is determined that the permit holder is not in compliance with the terms of this section and administrative rules for maintaining property storage enclosures.

B. Removal and Impoundment. After notice to the owner, any vehicle in violation of this subsection may be impounded until lawfully claimed or disposed of under subpar. C below; except if the Town Board or its designee determines that the costs of towing and storage charges of impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to expiration of the impoundment period upon determination by the Town Board or its designee that the vehicle is not wanted for evidence or any other reason.

C. Disposal.

1. Vehicles or Parts Thereof Exceeding \$100 in Value.

a. If the Town Board or its designee determines that the value of any abandoned vehicle exceeds \$100, the owner and lien holders of record shall be notified by certified mail that the vehicle has been deemed abandoned and impounded by the Town and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not reclaimed, shall be sold.

b. If an abandoned vehicle exceeding \$100 in value is not reclaimed within the period and under the conditions provided in subpar. (a) above, it may be sold by sealed bid or at auction. If no satisfactory bid is received, the vehicle may be sold at private sale.

c. After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid to the Town treasury.

2. Vehicles or Parts Thereof Less Than \$100 In Value. Any abandoned vehicle which is determined by the Town Board or its authorized representative to have the value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

D. Owner Responsible For Impoundment And Sale Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the Town against the owner.

E. Notice of Sale or Disposal. Within 5 days after the sale or disposal of a vehicle as provided in subpar. 2, the Town Board or its designee shall advise the State Department of Transportation, Division of Motor Vehicles, of the sale or disposal on a form supplied by the division. A copy of the form shall be given to the purchaser of the vehicle and a copy shall be retained on file in the Town.

F. Forfeiture. In addition to any remedy above, any owner, occupant, persons or persons violating any provision of this Ordinance shall be subject a forfeiture of at least \$10 nor more than \$200 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said fines and costs are paid, but not to exceed 30 days. Each day violation exists is a separate offense.

G. Public Nuisance. Nothing in this chapter shall be construed as prohibiting the abatement of a public nuisance by the Town or its officials in accordance with the laws of Wisconsin.

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