

VILLAGE OF NELSONVILLE

Abandoned and Inoperable Vehicles

Ordinance No. 6-18-1985

1) Definitions.

- a) Abandoned. As used in this Ordinance, the term "abandoned" shall mean any vehicle left unlicensed and unattended for a period in excess of seventy-two (72) hours. Provided, however, a vehicle shall not be deemed abandoned when:
 - i) Left out of ordinary public view.
 - ii) Located at duly licensed salvage yards or junk yards.
 - iii) Designated as not abandoned by a duly authorized Village Official for grounds stated within the context of this Ordinance.
- iv) Inoperable. As used in this Ordinance, the term "inoperable" shall include any vehicle, licensed or unlicensed, and either disassembled, wrecked, junked, or otherwise not moved upon its power for a period of ninety (90) days. Provided, however, a vehicle shall not be considered inoperable when:
 - v) Left out of ordinary public view.
 - vi) Located at duly licensed salvage yards or junk yards.
 - vii) Designated as not inoperable by a duly authorized Village Official for grounds stated within the context of this Ordinance.
- viii) Value. As used in this Ordinance, the term "value" shall mean the fair market retail value of a vehicle as determined by "Blue Book" quotation or any similar publication commonly used by automobile dealers.
- ix) Village Official. As used in this Ordinance, "Village Official" shall include Village Board officers, trustees, and agents designated by the President or Board to enforce this Ordinance.

2) Inoperable and Abandoned Vehicles Prohibited.

- i) No person shall leave an abandoned or inoperable vehicle
- ii) on any public highway or public or private property for at such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned or inoperable, as defined in this Ordinance. Any vehicle left abandoned or inoperable shall constitute a public nuisance.

3) Abandoned or Inoperable Vehicle on Private Property.

- i) In the event a property owner upon whose property an inoperable or abandoned vehicle is located is also the owner of the vehicle, the costs of impoundment, as provided herein, including towing and storage, if not paid by the property owner when applicable, shall be entered as a special assessment against the property owner on the tax roll.

4) Immediate Disposition.

- i) Any vehicle deemed abandoned or inoperable whose value is less than the (i) costs of towing and (ii) costs of storage for a period of fourteen (14) days, may be junked or sold by the Village forthwith. Provided, however, the Village shall first determine from the Sheriff's Department that such vehicle is not stolen or otherwise wanted for evidence or other reason by any law enforcement authority.

5) Impoundment.

- i) Any vehicle whose value exceeds the (i) costs of towing and (ii) costs of storage for a period of fourteen (14) fourteen days, shall be removed by private towing or public means to a suitable place of public or private impoundment. Upon such removal and impoundment, the designated Village official shall notify the Sheriff's Department of the abandonment of and the location of the impounded vehicle.
- ii) Immediately upon impounding such vehicle, the Village Clerk shall notify the Division of Motor Vehicles (where applicable for the type of vehicle involved) of the impoundment of the vehicle and its make, motor number, serial number, and registration number, and shall obtain from the Division of Motor Vehicles the name and address of the last registered owner and the names and addresses of any lien holders.
- iii) The Clerk shall thereafter notify the registered owner and all lienholders by certified mail notice of such impoundment to permit reclamation of the vehicle after payment of accrued charges. Such notice shall be deeded given upon mailing and shall include the following information:

- (a) The year, make, model, and any serial or identification numbers of the vehicle.
- (b) The place where the vehicle is being held.
- (c) Informing the owner and any lienholders of their rights to reclaim the vehicle within ten (10) days of such notice.
- (d) A statement that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle within ten (10) days of such notice.

6) Disposition of Impounded or Abandoned Vehicles.

- a) Every such abandoned or impounded vehicle not reclaimed by its owner or lienholder may be sold at any time after the expiration of ten (10) days after notice is given. The sale may be by field bid or auction sale at the option of the designated Village Official. At such sale the highest bid for any such vehicle shall be accepted unless the same is deemed inadequate by such Official, in which event all bids may be rejected. If all bids are rejected or no bid is received, the Village may either readvertise the sale, adjourn the sale to a definite date, sell the vehicle at a private sale, or junk the vehicle. Any interested person may offer bids on each abandoned or impounded vehicle to be sold. The Village shall post notice of such sale in accord with Class A notice requirements. Such notice shall be in the Sam farm, and shall include all information contained in, the notice sent to the owner and lienholders of record.
- b) Upon sale of an abandoned or impounded vehicle, the Village shall supply the purchaser a complete form designated by the Department of Transportation Division of Motor Vehicles to enable the purchaser to obtain a regular certificate of title to the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the impoundment or storage area, but shall pay reasonable storage fees for all storage after the second (2nd) business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.
- c) Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such request. The Village may charge a fee for such a list.
- d) Within five (5) days after the sale or disposal of a vehicle, either under Sections IV or VI above, the Village shall advise the Department of Transportation of the sale or disposition on a form supplied by the Department.

7) Costs of Impoundment.

The owner of an abandoned vehicle shall be immediately liable and responsible to the Village for all costs of impoundment, including towing and storage, whether or not such owner claims the vehicle after impoundment, except that the amount of such liability shall be reduced by the net proceeds of the sale of such vehicle.


8) Penalties.

- a) Any person who shall interfere in any way whatsoever with the due process of enforcement of any of the provisions of this Ordinance and shall be found guilty thereof, shall be subject to a penalty of Twenty-five Dollars (\$25.00). Each vehicle and each day involved shall constitute a separate offense.
- b) The owner of any vehicle which shall be impounded or stored pursuant to the provisions of this Ordinance or who shall abandon a vehicle within the Village and fail to remove the vehicle when properly notified, shall be subject to forfeiture of Twenty-five Dollars (\$25.00) together with the costs of such action. This penalty is in addition to all other expenses and charges made applicable under the provisions of this Ordinance.
- c)


9) Police Power.

This ordinance is enacted under the police power of the Village of Nelsonville, Portage County, Wisconsin. It is intended for the purpose of allowing and enhancing the public right and interest to health and safety.

Dated this 21st day of June, 1985.


Robert Bartig, President

Attest:


D. Lynn Bergman, Clerk

Posted: June 21, 1985

Effective Date: July 1, 1985