

ABANDONED VEHICLE ORDINANCE

ORDINANCE NO. 4.5

1. DEFINITIONS:

For the purpose of this ordinance, the following terms shall be defined as follows:

- a. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, and an electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute.
- b. "Street or Highway" means the entire width between the boundary lines of any way publicly maintained when any part thereof is open to public use for vehicular traffic.
- c. "Property" means any real property within the Town of Clayton which is not a street or highway.

2. APPLICABILITY:

This section shall not apply to any vehicle:

- a. On the premises of a business operated in a lawful place and manner, when necessary to the operation of such business.
- b. In an appropriate storage place or depository maintained in a lawful and manner by the Town.

3. VEHICLE ABANDONMENT PROHIBITED:

- a. No person shall leave unattended any vehicle on any public street or highway or public or private property for such time and under circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Town street or highway or private or public property within the Town for more than 12 hours, or on any private property within the Town for more than 12 hours without permission or consent of the owner or person in possession or control thereof, the vehicle is deemed abandoned and constitutes a public nuisance.
- b. No person shall leave any partially dismantled, non-operating vehicle, wrecked or junked vehicle on any street or highway within the Town.
- c. No person shall accumulate or store any unlicensed vehicle or parts thereof outside of any building on any real estate in the Town of Clayton.

4. REMOVAL AND IMPOUNDMENT OF ABANDONED VEHICLE:

Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. 6; except if the constable and/or the building inspector or their authorized representative determines that the cost of towing and storage for the

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 constable and/or the building inspector or their authorized representative that the vehicle is not wanted for evidence or other reason.

5. NOTICE OF IMPOUNDMENT:

The constable and/or the building inspector shall notify the registered owner of any impounded vehicle, or any leinholder thereof, giving the grounds for removal and the name of the garage or place of storage. If the vehicle is not registered in this State, the constable shall make a reasonable effort to notify the registered owner or any leinholder of the removal and present location of the vehicle. The constable and/or the building inspector shall forward a copy of the notice to the owner or person in charge of the garage or place where the vehicle is stored.

6. DISPOSAL OF ABANDONED VEHICLE:

a. If the constable and/or the building inspector or their authorized representative determines that the value of the abandoned vehicle exceeds \$250.00, they shall notify the owner and leinholders of record 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 so reclaimed shall be sold.

1. If an abandoned vehicle determined to exceed \$250.00 in value is not reclaimed within the period and under the conditions as provided above, it may be sold at private sale.
2. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the Town treasury.

7. 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. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.

8. NOTICE OF SALE OR DISPOSITION:

Within 5 days after the sale or disposal of the vehicle as provided in sub. 6, the constable and/or the building inspector or their authorized representative shall advise the State Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall also be given to the purchaser of the vehicle. A copy shall also be retained on file in the Town.

9. PENALTY:

Any person violating this ordinance or a condition of an issued permit shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense.

10. EFFECTIVE DATE:

This ordinance shall take effect upon its passage and publication as provided by law.

Adopted and approved this 15th day of April, 2015.

Ayes: 5 Nays: 0 Abstentions: 0

Mark E. Luebke, Town Chair

ATTESTED TO:

Richard Johnston, Town Administrator/Clerk