

CHAPTER 3

Abandoned and Junked Vehicles

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SEC. 8-3-1 ABANDONED VEHICLES; DEFINITIONS.

- (a) **ABANDONMENT OF VEHICLES PROHIBITED.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of St. Cloud, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of St. Cloud or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **DEFINITIONS.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) Vehicle shall mean a motor vehicle, trailer, semitrailer, or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
 - (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular travel.
- (c) **PRESUMPTIONS.** For purposes of this Section, the following irrebutable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours.
 - (2) Any vehicle left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this subsection if left unattended on private property outside of public view or if designated as not abandoned by the Village Board.
- (d) **EXCEPTIONS.** This Section shall not apply to a vehicle in an enclosed building, or a vehicle stored on a premises licensed for storage of junk or junked vehicles, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

SEC. 8-3-2 REMOVAL AND IMPOUNDMENT OF VEHICLES.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 8-3-3.

SEC. 8-3-3 REMOVAL, STORAGE, NOTICE, OR RECLAIMER OF ABANDONED VEHICLES.

The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles.

(a) REMOVAL.

- (1) Any police officer who discovers any motor vehicles, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of St. Cloud which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- (2) Upon removal of the vehicle the police officer shall notify the Clerk-Treasurer or his designee of the abandonment and of the location of the impounded vehicle.

(b) STORAGE AND RECLAIMER. Any abandoned vehicle which is determined by a law enforcement officer, Village Board or their designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Village Board or its designee determines an abandoned vehicle to have a value of less than One Hundred (\$100) Dollars, or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter priced, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Village Board or its designee to prove an ownership or secured party interest in said vehicle.

(c) NOTICE TO OWNER OR SECURED PARTY. Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, that the vehicle has been deemed abandoned and impounded by the Village of St. Cloud; the "determined value" of the abandoned vehicle or if the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred (\$100.00) Dollars or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and that the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

SEC. 8-3-4 DISPOSAL OF ABANDONED VEHICLES.

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter, may be sold by public auction sale, or public sale calling for the receipt of sealed bids. Class I Notice, including the description of the vehicle, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale, shall be published before the sale.

SEC. 8-3-5 REPORT OF SALE OR DISPOSAL.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Village Board or its designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle.

SEC. 8-3-6 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

- (a) 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 covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

SEC. 8-3-7 CONFLICT WITH OTHER CODE PROVISIONS.

In the event of any conflict between this section and any other provisions of the Municipal Code, this Chapter shall control.

SEC. 8-3-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY

- (a) STORAGE OF AUTOMOBILES RESTRICTED.
 - (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored or allowed to remain in the open upon private property within the Village for a period exceeding ten (10) days unless it is in connection with a properly licensed automotive or appliance sales, repair or storage business enterprise located in a properly zoned area.
 - (2) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed three (3) months, after which such vehicles must be enclosed by a screening or live planting to be approved by the Village Board.
- (b) DEFINITIONS.
 - (1) The term "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this section is defined as follows: motor vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal

- condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates, or other defects.
- (2) The term "unlicensed - motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.
 - (3) The term "motor vehicle" is defined in Section 340.01(35), Wis. Stats.
 - (4) The term "inoperable appliance" is defined as any stove, washer or refrigerator which is no longer operable in the sense for which it was manufactured.
- (c) **EXCEPTIONS.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in rear yard areas. Such business enterprises shall include auto junk yards, auto repair and body shops but shall not include automobile service stations or tire, battery and accessory sales stores, except those service stations which operate a duly licensed wrecker service. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Board may issue permits permitting an extension of not to exceed an additional thirty (30) days time to comply with this section where exceptional facts and circumstances warrant such extension.
- (d) **ENFORCEMENT.**
- (1) Whenever the Village Board shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, the Board shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicle or appliance is not removed within five (5) days, the Village Board shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
 - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Village Board shall cause the vehicle or appliance to be removed and impounded and it shall thereafter be disposed of as prescribed in Sections 8-3-3 through 8-3-6 by the Village Board or its duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (e) **PENALTY.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Section 342.40, Wis. Stats.