

## Chapter 492

### VEHICLES, ABANDONED AND JUNKED

[HISTORY: Adopted by the Town Board of the Town of Buchanan 11-4-1997 as Ch. 34, Art. II, Divisions 2 and 3 of the 1997 Code. Amendments noted where applicable.]

#### ARTICLE I

#### Private Property

##### § 492-1. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ABANDONED MOTOR VEHICLE** — A motor vehicle which, through disuse and failure to be used, remains in one location for a period of 10 days or more; a motor vehicle which has been reported as stolen to any police department; or a motor vehicle which does not have affixed a current motor vehicle license.

**JUNKED MOTOR VEHICLE** — Any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated.

**MOTOR VEHICLE** — Any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, etc.

**MOTOR VEHICLE ACCESSORIES** — Any parts of any motor vehicle.

**PRIVATE PROPERTY** — Any real property not owned by the federal government, state, county, school board, or other political subdivision.

**REMOVAL** — The physical relocation of a motor vehicle to an authorized location.

##### § 492-2. Storage.

- A. No person owning or having custody of any abandoned or junked motor vehicle or motor vehicle accessories shall store or permit any such vehicle or accessories to remain on any private property within the Town for a period of more than 10 days. No person owning any private property in the Town, as determined from the tax assessment records for the Town, shall store or permit to remain any such vehicles or accessories on his property for a period of more than 10 days. Such storage is hereby declared to be a public nuisance and may be abated or removed and forfeiture may be imposed, as provided in this section. No such person shall be deemed to have violated this subsection until the expiration of the 72 hours provided for in § 492-4D.

- B. No person, after notification to remove any abandoned or junked motor vehicle or motor vehicle accessories from any property has been given pursuant to this section, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property. Whenever any law enforcement officer shall find or be notified that any such vehicle or accessories have been removed, a seventy-two-hour notice shall be given in the manner provided in § 492-4D and the same removed as provided in § 492-5. In addition, forfeitures may be imposed as provided in § 1-7.

**§ 492-3. Exceptions.**

This article shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business 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 dealers, auto junkyards, auto repair, and auto body shops, but shall not include automobile service stations or tire, battery and accessory sales stores.

**§ 492-4. Enforcement.**

- A. Investigation. Any law enforcement officer on routine patrol or upon receipt of a complaint may investigate a suspected abandoned or junked motor vehicle or motor vehicle accessories and record the make, model, style and identification numbers and its situation.
- B. Initial notice of removal. Whenever any law enforcement officer shall find or be notified that an abandoned or junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property within the Town for more than 10 days, the officer shall cause to be sent, by certified mail or by personal service thereof, a notice to the owner of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the Town, on which the same is located, to remove the junked motor vehicle or motor vehicle accessories within 10 days. Such notice shall also contain the following additional information:
  - (1) Nature of complaint.
  - (2) Description and location of the motor vehicle and/or motor vehicle accessories.
  - (3) Statement that the motor vehicle and/or motor vehicle accessories shall be removed from the premises no later than 10 days from date of notification.
  - (4) Statement that the owner of the motor vehicle and/or motor vehicle accessories, or the owner of the private property on which the same is located, may show cause for not removing such motor vehicle or motor vehicle

accessories by stating the reasons in a letter of appeal to the Town Board within 10 days from date of notification.

- (5) Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.
  - (6) Statement that, if removal is not made within the time limits specified, notification shall be given in writing to law enforcement. [Amended 8-17-2010 by Ord. No. 2010-03]
  - (7) Statement of the penalties provided for noncompliance with such notice.
- C. Appeals. Receipt of a letter of appeal, as set forth in Subsection B(4) of this section, shall defer action on removal of the motor vehicle or motor vehicle accessories until such appeal has been considered by the Town Board. The Town Board shall consider the facts of the appeal and shall render a decision within 30 days of receipt of the letter of appeal. The Town Board may, if it finds that public health, safety and morals will not be adversely affected, waive the requirement for removal or extend the time for removal. If the Board finds it is in the best interest of the Town and, in order to protect public health, safety and morals, it may order the motor vehicle or motor vehicle accessories to be removed within a period of not to exceed 20 days from the date of the decision. A copy of such decision shall be sent by certified mail to the person making the appeal. [Amended 8-17-2010 by Ord. No. 2010-03]
- D. Final notice of removal. After the expiration of the ten-day time period specified in Subsection B(3) of this section or the time period specified by the Town Board, any law enforcement officer shall place a notice in a conspicuous place on the motor vehicle or motor vehicle accessories setting forth briefly the applicable provisions of this section, date of notice, and specifying that, unless the vehicle is removed to a lawful place of storage within 72 hours, it will be removed under the authority of this section. If the law enforcement officer is prevented from or is otherwise unable to place such notice in a conspicuous place on the motor vehicle or motor vehicle accessories, the law enforcement officer shall send such notice by certified mail or personally serve the owner of the vehicle or accessories and/or the owner of the property and/or any and all recorded lienholders.

**§ 492-5. Authority for removal.**

- A. If the abandoned or junked motor vehicle or motor vehicle accessories are not removed within the time period specified in § 494-4D, the Town Administrator/Clerk is hereby authorized to requisition a private towing company to remove the vehicle to a lawful place of storage, the cost of which shall be billed to the vehicle owner. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Where there is more than one vehicle involved, each vehicle shall constitute a separate offense.

ARTICLE II  
**Storage of Vehicles**

**§ 492-6. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

VEHICLE — A motor vehicle, trailer, semitrailer or mobile home.

**§ 492-7. Street storage.** [Amended 8-17-2010 by Ord. No. 2010-03]

No vehicle, as defined in § 340.01, Wis. Stats., shall be left parked or standing on any street or parkway for more than 24 continuous hours unless a permit to do so has first been obtained from the Town Administrator/Clerk's office. The word "parkway" means that area between the sidewalk and the nearest curblin running parallel or generally parallel thereto.

**§ 492-8. Inoperable, wrecked, discarded vehicles.**

- A. Storage. No person owning or having custody of any partially dismantled, inoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot, or ramp longer than 24 hours after notification thereof by the Town. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this article and the date of the notice. Any vehicle so tagged which is not removed within 24 hours after notice is declared to be a public nuisance and may be removed and disposed of as provided in § 492-12. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Exemptions. This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Town.

**§ 492-9. Abandonment of vehicles prohibited.** [Amended 8-17-2010 by Ord. No. 2010-03]

No person shall leave any vehicle unattended within the Town for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

**§ 492-10. Presumption of abandonment.**

Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided, however, that the vehicle shall not be deemed abandoned under this article if left unattended on private property out of public view by permission of the owner or lessee.

**§ 492-11. Exceptions.**

This article shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Town, or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and the meter activated.

**§ 492-12. Removal and impoundment or sale.**

Any vehicle found abandoned in violation of this article shall be impounded by any law enforcement officer until lawfully claimed or disposed of as provided in this article. If the Town Administrator/Clerk or his duly authorized representative determines that towing costs and storage charges would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period, upon a determination by the Town Administrator/Clerk that the vehicle is not wanted for evidence or any other reason; provided, however, that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with § 492-15 of this article.

**§ 492-13. Minimum impoundment period.**

The minimum period of impoundment or storage of a vehicle found in violation of this article shall be 10 days.

**§ 492-14. Notice to owner.**

Any law enforcement officer, upon removing or causing the removal of any vehicle found in violation of this article, shall immediately notify the Town Administrator/Clerk of the abandonment and location of the impounded vehicle and shall within 10 days thereafter notify the owners and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in § 342.40(3), Wis. Stats., and shall state that the failure of the owners 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 sale of the vehicle.

**§ 492-15. Sale.**

Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale.

**§ 492-16. Sale to bar claims against vehicle.**

The sale of a motor vehicle under the provisions of this article shall forever bar all prior claims thereto and interest thereon except as provided in this article.

**§ 492-17. Purchaser to remove vehicle.** [Amended 8-17-2010 by Ord. No. 2010-03]

The purchaser of any vehicle on sealed bid or auction sale under § 492-15 shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee as listed

in the Town of Buchanan Fees and Licenses Schedule<sup>1</sup> for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten 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 again sold.

**§ 492-18. Request for list of vehicles sold.** [Amended 8-17-2010 by Ord. No. 2010-03]

Any listing of vehicles to be sold pursuant to this article shall be made available by the Town Administrator/Clerk to any interested person or organization who makes a written request therefor for a fee as listed in the Town of Buchanan Fees and Licenses Schedule.

**§ 492-19. Notice to State Department of Transportation.**

Within five days after the sale or disposition of a vehicle under this article, the Town Administrator/Clerk shall advise the State Department of Transportation of such sale or disposition on a form supplied by the Department.

**§ 492-20. Owner may file.**

At any time within two years after the sale of a motor vehicle as provided in this article, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Town Board setting forth such facts as are necessary to establish such ownership or interest and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or the fault of the claimant. If the Town Board is satisfied as to the justice of such claim, it may allow the claim, but in no case shall the amount allowed exceed the sum paid into the Town treasury as the result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

**§ 492-21. Exemption.**

A. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause the removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone, shall, within 12 hours of such occurrence, notify the Town Administrator/Clerk of the location of the vehicle and shall transfer and deliver clear title for such vehicle to the Town, together with a fee as listed in the Town of Buchanan Fees and Licenses Schedule to offset the cost of towing and junking charges and shall be exempt from the provisions of this article. [Amended 8-17-2010 by Ord. No. 2010-03]

B. When so requested by the owner or person in charge of a vehicle, the Town Administrator/Clerk shall be authorized to order such vehicle removed and junked directly from the scene of disablement by a contractor engaged by the Town for towing of disabled vehicles. The provisions of § 492-18 shall apply to any vehicle removed under this section.

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<sup>1</sup>. Editor's Note: The Fees and Licenses Schedule is on file in the Town Administrator/Clerk's office.