

# Chapter 5

## Abandoned and Junked Vehicles

- 10-5-1 Removal and Disposal of Abandoned Vehicles
- 10-5-2 Junked Vehicles and Appliances on Private Property

### Sec. 10-5-1 Removal and Disposal of Abandoned Vehicles.

- (a) **Declaration of Purpose; Public Nuisances.** In order to promote the public health, safety, welfare, convenience and enjoyment of the residents of the City of Onalaska, to preserve and enhance the scenic beauty of lands bordering public streets and highways within said City and to promote the prosperity, economic well-being and general welfare of the City, it is declared to be in the public interest to provide for the removal and disposal of abandoned vehicles and provide a forfeiture, in addition to providing for the recovery by the City of the cost of impounding and disposing of the vehicle.
- (b) **Abandonment of Vehicles Prohibited.** No motor vehicle, as defined in Sec. 340.01(35), Wis. Stats., shall be left unattended on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. Except as otherwise provided in this Chapter, whenever any vehicle has been left unattended without the permission of the property owner for more than forty-eight (48) hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal official pursuant to municipal ordinance.
- (c) **Impoundment.**
  - (1) Any vehicle in violation of this Section shall be impounded until lawfully claimed or disposed of under Subsection (d), except that if it is deemed that the cost of towing and storage charge for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the City prior to expiration of the impoundment period upon determination by the Chief of Police that the vehicle if not stolen or otherwise wanted for evidence or other reason.
  - (2) Upon discovery, the motor vehicle may be removed by the City or designee to a suitable place of impoundment.
  - (3) The owner of any abandoned vehicle except a stolen vehicle shall be 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 City

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against the owner. Whether or not the City recovers the cost of towing and enforcement, the City shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.

- (d) **Disposal of Vehicles.** Any vehicle which is deemed abandoned by the City and not disposed of under Subsection (c) shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner and lien holders of record, to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lien holder of their rights to reclaim the vehicle. The notice shall state that the failure of the owner or lien holders to exercise their rights to reclaim the vehicle under this Section shall be deemed a waiver of all right, title, and interest in the vehicle and consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lien holder may be sold. The City may dispose of the vehicle by sealed bid or auction sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized municipal representative, in which event all bids will be rejected. If all bids are rejected, or no bid is received, the City may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold. If reasonable efforts fail to determine the identity or address, or both, of the owner or lien holder, if any, a public notice shall be posted at the office of the Police Department. The posting of the notice at the Police Department shall be in the same form as that provided for certified mail notice to be sent to determinable owners or lien holders of record. Upon sale of an abandoned vehicle, the City shall supply the purchaser with a completed form designated by the Department of Transportation enabling the purchaser to obtain a regular certificate of title for the vehicle as provided for in Section 342.40 of the Wisconsin Statutes. The purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the City for each day the vehicle remains in storage after the second 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. Any listing of the vehicle to be sold by the City shall be made available to any interested person or organization which makes a written request for such list. The City may charge a fee for the list.
- (e) **Notice of Sale.** Within five (5) days after the sale or disposal of a vehicle as provided for in this Section, the City shall advise the Department of Transportation of the sale or disposition on a form supplied by the department.

### **Sec. 10-5-2 Junked Vehicles and Appliances on Private Property.**

- (a) **Storage of Automobiles Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliance shall be stored unenclosed outside a building upon private property within the City for a period exceeding ten (10) days unless it is pursuant to a license granted under Chapter 16, Title 7 or in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.

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(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, recreational 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, recreational vehicles 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, refrigerator or other appliance 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 in a properly zoned area 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 non-motorized campers, provided such vehicles are stored in compliance with the Ordinances of the City. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Common Council may issue temporary 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 Police Department shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the City, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles or appliance is not removed within five (5) days, the Police Department 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 ten (10) days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Section 10-5-1 by the Chief of Police or his duly authorized representative. If entry is refused, the officer may seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats. 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 1-1-7. Each motor vehicle or appliance involved shall constitute a separate offense.

*State Law Reference: Section 342.40, Wis. Stats.*

