

Chapter 200

VEHICLES, ABANDONED

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[History: Adopted by the Town Board of the Town of Pleasant Springs 11-7-1989 by Ord. No.89-1 as § 4.01(3) K of the 1989 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances-See Ch. 152.

Vehicles and traffic -See Ch.202.

§ 200-1. Prohibited acts; nuisance. [Amended 11-4-2003]

No person shall leave unattended any motorized vehicle, trailer, semitrailer or mobile home on any public street or highway, or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this chapter, whenever any vehicle has been left unattended on any street or highway, or public or private property, without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motorized vehicle shall not be considered an abandoned motorized vehicle when it is out of ordinary public view or when designated as not abandoned by the Town Board, Town Constable, Building Inspector or their designees

§ 200-2. Placarding; notice of abandonment. [Amended 11-4-2003]

Any vehicle which qualifies as abandoned under § 200-1 above shall first be placarded with a notice indicating the abandonment of the vehicle. Thereafter, the Town Board, Town Constable, Building Inspector or their designees shall send a notice of abandonment by mail to the owner and lienholders of record as reflected by the registration records of the Wisconsin Department of Transportation. If the vehicle remains in approximately the same location for at least 72 hours after placarding and 48 hours after the mailing of notice of abandonment, the Town Board, Town Constable, Building Inspector or their designees may issue a vehicle abandonment citation and tow the vehicle.

§ 200-3. Exceptions. [Amended 11-4-2003]

The procedure in § 200-2 shall not apply if the vehicle in question is blocking a driveway, in a posted tow-away zone, blocking traffic or impeding snowplowing operations. In such situations, the vehicle may be issued a citation and towed immediately, and the vehicle shall be returned to the owner upon the owner's application without being cited under this chapter.

§ 200-4. Deserted vehicles. [Amended 11-4-2003]

The vehicle may be issued a citation by the Town Board, Town Constable, Building Inspector or their designees and towed without the pre-seizure notice required above, and the post-seizure procedures set forth herein shall apply and the procedure in § 200-2 shall not apply if the vehicle in question:

- A. Is in disrepair (including but not limited to incapable of present locomotion, lack of engine, on blocks, or without tires).
- B. Lacks valid registration plates.

§ 200-5. Citations. [Amended 11-4-2003]

All vehicle abandonment citations shall be retained by the Town Board, Town Constable, Building Inspector or their designees for personal service on the owner or lienholder of record when such person appears at the Town Hall. At the time of personal service, the individual may pay the forfeiture or request a court date. If the individual requests a court date, he shall deposit money in the citation amount with the Town Clerk, and the procedures of §§ 345.34 to 345.47, Wis. Stats., apply. In either case, the vehicle shall be released to the individual.

§ 200-6. Unclaimed vehicles to be junked or sold. [Amended 11-4-2003]

If no one appears to reclaim the towed vehicle within 10 days after the vehicle is towed, the vehicle shall be appraised. **If** the vehicle's value is appraised at or less than \$100, the Town Board, Town Constable, Building Inspector or their designees shall send a notice to the owner and lienholder informing them that if the vehicle is not reclaimed within 10 days of the date of receipt of the notice, the vehicle will be junked or sold. **If** the vehicle's value is appraised at more than \$100, the Town Board, Town Constable, Building Inspector or their designees shall send certified mail notice to the owner and lienholders of record informing the owner and any lienholder that, upon their failure to reclaim the vehicle within 10 days, such failure is construed as a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle. Such sale shall be by sealed bid and shall conform substantially to the procedure set forth in § 342.40(3)(c), Wis. Stats. In either case, if an individual does appear to reclaim the vehicle, the deposit and release procedure set forth in § 200-5 above shall apply.

§ 200-7. Right to reclaim personal property.

The notice sent under § 200-6 shall notify the owner of record of the right to reclaim personal property contained in the towed vehicle without payment of any kind upon proof of identification and ownership.

§ 200-8. Enforcement. [Amended 11-4-2003]

If a person reclaiming the vehicle does not pay the forfeiture at that time and fails to appear in court at the time specified in the citation, the procedure set forth in § 345.28(4), Wis. Stats., shall apply. The Town Board, Town Constable, Building Inspector or their designees shall specify that the Department of Transportation shall both suspend the registration of the vehicle involved under § 341.63(1)(c), Wis. Stats., and refuse registration to any vehicles owned by the owner under § 341.10(7m), Wis. Stats.

§ 200-9. Violations and penalties.

Any person violating this chapter shall be subject to a penalty as stated in Chapter 1, General Provisions, § 1-1 of this Municipal Code. The forfeiture for violation of this chapter shall be in addition to any other nonmoving traffic violations assessed to the vehicle. The Town shall separately charge the owner for any costs attributable to towing or storing the vehicle.

§ 200-10. Licensed collectors and hobbyists.

The above procedure shall not apply to vehicles owned by individuals holding licenses from the Wisconsin Department of Transportation as a collector pursuant to § 341.266, Wis. Stats., or as a hobbyist pursuant to § 341.268, Wis. Stats., provided that such licensed collector or hobbyist stores such vehicle on his or her property and the vehicle and outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.