

Chapter 421

VEHICLES, ABANDONED AND JUNKED

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| § 421-1. Vehicle abandonment prohibited. | § 421-5. Report of sale or disposal. |
| § 421-2. Removal and impoundment of vehicles. | § 421-6. Owner responsible for costs. |
| § 421-3. Impoundment procedure. | § 421-7. Conflicting provisions. |
| § 421-4. Disposal of abandoned vehicles. | § 421-8. Storage of junked vehicles. |
| | § 421-9. Violations and penalties. |

[HISTORY: Adopted by the Village Board of the Village of Endeavor at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 312.

§ 421-1. Vehicle abandonment 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 an R-1, R-2 or R-3 District of the Village of Endeavor 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 Endeavor 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 72 hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

§ 421-2. 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 § 421-3.

§ 421-3. Impoundment procedure.

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

- A. Removal. The Chief of Police or his/her designee who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Endeavor which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.

- B. Storage and reclaiming. Any abandoned vehicle which is determined by the Chief of Police or his/her designee to be abandoned shall be retained in storage for a period of 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 Division of Motor Vehicles, except that if the Chief of Police or his/her designee determines an abandoned vehicle to have a value of less than \$100, 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 days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Division of Motor Vehicles, 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 Chief of Police or his/her 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 Division of Motor Vehicles, if any, that the vehicle has been deemed abandoned and impounded by the Village of Endeavor; 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 14 days of the date of notice, unless it has been determined that the vehicle has a value of less than \$100 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 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 vehicle may be reclaimed.

§ 421-4. Disposal of abandoned vehicles.

Any abandoned vehicle impounded by the Village of Endeavor 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 1 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. The procedure for disposing of any abandoned vehicle shall also be in accordance and consistent with Ch. 342, Wis. Stats., adopted herein.

§ 421-5. Report of sale or disposal.

Within five days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his/her 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.

§ 421-6. Owner responsible for 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 covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.

§ 421-7. Conflicting provisions.

In the event of any conflict between this chapter and any other provisions of the Wisconsin Statutes, the Wisconsin Statutes shall control. If there is any conflict between the provisions of this chapter and the provisions of Chapter 480, Zoning, of this Code, Chapter 480 shall control.

§ 421-8. Storage of junked vehicles.

- A. No disassembled or inoperable and unlicensed and no junked or wrecked motor vehicles shall be stored or allowed to remain in the open upon public or private property within the Village for in excess of three days unless it is in connection with an automotive sales or repair business enterprise located in a properly zoned area.
- B. Whenever the Chief of Police or his/her designee shall find any such vehicles placed or stored in the open upon public property within the corporate limits of the Village, the Chief of Police or his/her designee shall cause such vehicles to be removed by a junk or salvage yard and stored in such junk or salvage yard for a period of 30 days, at the end of which time such junk or salvage yard shall dispose of such vehicles, unless previously claimed by the owner.
- C. Whenever the Chief of Police or his/her designee shall find any such vehicles placed or stored in the open upon private property within the Village, the Chief of Police or his/her designee shall notify the owner of the property upon which such vehicles are placed or stored of the intention of said Village to remove such vehicles immediately. If such vehicles are not removed within three days, the Chief of Police or his/her designee shall cause vehicles to be removed, the cost of such removal to be charged to the property from which they are removed, which charges shall be entered as a special charge on the tax roll.
- D. If such vehicles are claimed by the owner, the junk or salvage yard shall charge a reasonable fee for handling and storage.
- E. The provisions of this section shall not apply to auto salvage yards and/or junkyards that are licensed under this Code pertaining to such operations.

§ 421-9. Violations and penalties.

In addition to the storage charges, towing costs and other costs that the owner may be responsible for under this chapter, any violation of this chapter shall result in a penalty as provided in Chapter 1, § 1-4 of this Code.