

Chapter 261

VEHICLES, ABANDONED, STORED, JUNKED AND UNREGISTERED

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| <p>§ 261-1. State statutes adopted</p> <p>§ 261-2. Definitions.</p> <p>§ 261-3. Prohibited acts.</p> <p>§ 261-4. Notice of violation; removal of vehicle.</p> <p>§ 261-5. Impoundment and disposal.</p> | <p>§ 261-6. Owner liable for costs.</p> <p>§ 261-7. Sale or disposition of impounded vehicles.</p> <p>§ 261-8. Report of sale or distribution.</p> <p>§ 261-9. Permits.</p> <p>§ 261-10. Revocation of permit.</p> |
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[HISTORY: Adopted by the Village Board of the Village of Genoa City 4-12-2001 (Title 8, Ch. 4 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances -- See Ch. 186.

Peace and good order -- See Ch. 194.

Property maintenance -- See Ch. 205.

Vehicles and traffic -- See Ch. 265.

§ 261-1. State statutes adopted.

The provisions of §§ 342.40 and 175.25, Wis. Stats., and the definitions therein, are adopted by reference.

§ 261-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

JUNKED, STORED, ABANDONED OR UNREGISTERED ABANDONED VEHICLE --
Any self-propelled land vehicle which can be used for towing or transporting people or materials, or parts thereof, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, mopeds, tractors, snowmobiles and trailers of all types, in a disassembled, dismantled, junked, wrecked or inoperable condition, on any real estate located within the corporate limits of the Village, except upon a permit issued by the Village Board.

§ 261-3. Prohibited acts. [Amended 3-14-2002]

No person, firm, partnership or corporation shall leave unattended any junked, stored, abandoned or unregistered vehicle for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. No person shall store any such junked, abandoned or unregistered vehicle on public or private property within the Village of Genoa City for longer than 10 days without making application to the Village Board for a permit herein described. 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, or when designated as not abandoned pursuant to a permit issued hereunder; provided, however, that any person, firm, partnership or corporation who or which is actively in the business of storing or dealing in junked or abandoned or unregistered vehicles shall be permitted to store such junked or abandoned vehicles for a period of up to 90 days without making an application to the Village Board for a permit herein described.

§ 261-4. Notice of violation; removal of vehicle.

Whenever any Village law enforcement officer shall find any such vehicle placed or stored in the open upon private property, public property or a public highway in the Village of Genoa City, he/she shall notify the owner of such vehicle and/or the owner of the property upon which such vehicle is placed or stored of the intention of the Village to remove such vehicle. If any such vehicle is not removed within five days after such notice, the Chief of Police shall cause such vehicle to be removed, the cost of such removal to be charged to the property from which it is removed, and such charges to be entered upon the tax roll as a special assessment. Upon removal, such vehicle shall be stored in a suitable place for at least 14 days after the owner thereof receives notice of such storage, if the name and whereabouts of the owner can be readily ascertained.

§ 261-5. Impoundment and disposal.

Any vehicle in violation of this chapter shall be impounded by the Chief of Police of the Village until lawfully claimed or disposed of under § 261-7A or B, except that if the Chief of Police or any member of the Police Department authorized by the Chief of Police determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Chief of Police prior to expiration of the impoundment upon his/her determination that the vehicle is not wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with § 261-7A.

§ 261-6. Owner liable for costs.

The owner of any abandoned, junked or stored motor vehicle for which no permit has been issued by the Village Board, except a stolen vehicle, is responsible for 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 Village against the owner.

§ 261-7. Sale or disposition of impounded vehicles.

- A. Value in excess of \$100. Any abandoned, junked or stored motor vehicle for which no permit has been issued by the Village Board, and which is determined by the Chief of Police or any duly authorized member of the Village Police Department to have a value in excess of \$100, shall be retained in storage for a period of 14 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 such abandoned, junked or stored motor vehicle and the place where the vehicle is being held and shall inform the owner and any lien-holders of their right 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 a consent to the sale of the vehicle.

- (1) Each retained vehicle not reclaimed by its owner or lien-holder may be sold. The Village 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 the Chief of Police, in which event all bids may be rejected. If all bids are rejected, or no bid is received, the Village 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.
- (2) A Class 1 notice, pursuant to the provisions of Ch. 985, Wis. Stats., shall be published in the official newspaper of the Village prior to any such sale and shall be in the same form as the certified mail notice sent to the owner or lienholder of record. Upon sale of an abandoned vehicle, the Village shall supply the purchaser with a complete form designed by the Wisconsin Department of Transportation enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the municipality or county for each day the vehicle remains 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 sold again.
- (3) Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization who or which makes a written request for such list. The Village may charge a fee for the list.

- B.** Value less than \$100. Any abandoned vehicle which is determined by the Chief of Police or his/her duly authorized deputy to have a value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

§ 261-8. Report of sale or disposition.

Within five days after the sale or disposal of a vehicle, as provided in § 261-7A or B, the Chief of Police shall advise the Wisconsin Division of Motor Vehicles of the sale or disposition thereof.

§ 261-9. Permits.

Any person, firm, partnership or corporation desiring a permit to maintain an abandoned, junked or stored motor vehicle, or parts thereof, as herein defined, shall apply for a permit if such motor vehicles or parts thereof will remain on public or private property for longer than 10 days. The permit application shall be on forms provided by the Village Clerk-Treasurer's office, shall be accompanied by a nonrefundable application fee as set by the Village Board, and shall be returned to the Village Clerk-Treasurer for consideration by the Village Board at the next regularly scheduled meeting. Any such permit issued by the Village Board shall specify the quantity and manner of storing such motor vehicles or parts thereof and shall be signed by the Village President and Village Clerk-Treasurer.

§ 261-10. Revocation of permit.

Any such permit issued hereunder shall be revocable at any time by the Village Board, after a hearing before such Board at which it has been found that the permit holder has failed or refused to comply with this chapter or any restrictions contained in such permit. Such hearing may be held by the Village Board on its own motion or upon the complaint, in writing, duly signed and certified by the complainant. Such complaint or motion shall state the nature of the alleged failure to comply with this chapter or permit restrictions. A copy of the complaint or motion together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.