

## **Chapter 16 ENVIRONMENT**

### **ARTICLE I. - IN GENERAL**

### **ARTICLE II. - JUNK**

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Secs. 16-1—16-18. Reserved.

Secs. 16-1—16-126. Reserved.

#### **ARTICLE II. JUNK**

Sec. 16-127. Storage of junked automobiles and/or parts thereof restricted.

Sec. 16-128. Vehicle abandonment prohibited; removal; disposal.

Sec. 16-129. Public nuisance of junk prohibited.

#### **Sec. 16-127. Storage of junked automobiles and/or parts thereof restricted.**

- (a) No person, firm, partnership or corporation shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the town except upon a permit issued by the town board.
- (b) No accumulation or storage of junked automobiles or parts thereof shall be allowed within 2,000 feet outside of the corporate limits of a city or village or within 750 feet of the center line of any county trunk, state trunk or federal highway or within 500 feet of the center line of any town road, except upon a permit issued by the town board.
- (c) Any permit issued by the town board shall be signed by the chairperson and the clerk and shall specify the quantity and manner of storing such junked automobiles and/or parts thereof. Such permit shall be revocable at any time by the town board after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the town board upon its own motion, or upon the complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint 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.
- (d) "Junked" includes but is not limited to any of the following: dismantled; incapable of legal operation or use upon a highway; no resale value except as parts or scrap; a vehicle for which an insurance company has taken possession of or title to; the estimated cost of repairing the vehicle exceeds its fair market value; etc.
- e) Any person, firm, partnership or corporation violating any of the provisions hereof shall be subject to Section 1-17 of this Code.

**Sec. 16-128. Vehicle abandonment prohibited; removal; disposal.**

- (a) In this section, "owner" includes the lessee of a vehicle if the vehicle is registered, or required to be registered, by the lessee under Wis. Stats. ch. 341.
- (b) No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home 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 have been abandoned. Whenever any vehicle has been left unattended without the permission of the property owner for more than 72 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 town official pursuant to town ordinance.
- (c) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (d) except that if an authorized town or county representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked, donated to a nonprofit organization, or sold by the town or county prior to expiration of the impoundment period upon determination by the official having jurisdiction that the vehicle is not stolen or otherwise 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 sub. (d)(3).
- (d) The town also enacts with these ordinances governing the removal and disposal of abandoned vehicles, except for abandoned vehicles that have been stolen, that there is a forfeiture of not less than \$100 nor more than \$500 in addition to providing for the recovery by the town of the cost of impounding and disposing of the vehicle.
  - (1) Any municipal or university police officer, police officer appointed under Wis. Stat. § 16.84(2), sheriff's deputy, county traffic patrolman, state traffic officer or conservation warden who discovers any motor vehicle, trailer, semitrailer, or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the officer or warden shall notify the sheriff of the abandonment and of the location of the impounded vehicle. Upon causing the removal of the motor vehicle by a towing service, the officer or warden shall, within 24 hours of ordering the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle, unless the town or county has entered into a towing services agreement which requires notice to such owner and lienholders of the towing.
  - (2) 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. If the vehicle is sold, costs not recovered from the sale of the vehicle may be recovered in a civil action by the town against the owner. Whether or not the town recovers the cost of towing and enforcement, the town shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.
  - (3) Any vehicle which is deemed abandoned by a duly authorized town or county representative and not disposed of under sub. (c) shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders 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 lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section is a waiver of all right, title, and interest in the vehicle and a consent to the sale or donation of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold or donated to a nonprofit organization. If the vehicle is sold, the town or county 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 an authorized town or county representative finds the bid inadequate, in which event all bids may be rejected. If all bids are rejected or no bid is received, the town or county may readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, junk the vehicle, or donate the vehicle to a nonprofit organization. Any interested person may offer bids

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on each abandoned vehicle to be sold. A class 1 notice under ch. 985 shall be given prior to any sale, with a copy also provided to the county sheriff's department. Upon sale of an abandoned vehicle, the town or county shall supply the purchaser with a completed form designed by the 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 town or county for each day the vehicle remains in storage after the 2nd 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 or donated to a nonprofit organization. Any listing of vehicles to be sold by the town or county shall be made available to any interested person or organization which makes a written request for such list. The town or county may charge a fee for the list.

- (4) Within 5 days after the sale, donation, or disposal of a vehicle as provided in this subsection or sub. (c), the municipality or county shall advise the Department of Transportation of the sale, donation, or disposition on a form supplied by the Department of Transportation.

### **Sec. 16-129. Public nuisance of junk prohibited.**

- (a) The town may maintain an action to recover damages or to abate a public nuisance from which injuries peculiar to the complainant are suffered, so far as necessary to protect the complainant's rights and to obtain an injunction to prevent the same.
- (b) No person shall store junked or discarded property, including automobiles, automobile parts, farm implements, trucks, tractors, refrigerators, furnaces, washing machines or dryers, stoves, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris, except upon a permit issued by the town board.
- (c) This section shall not apply to any motor vehicle, tractor or farm equipment or parts stored within an enclosed building; in a storage place or depository maintained in a lawful place and manner; or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. Such business enterprises shall include auto junkyards, auto repair, farm machinery repair and auto body shops but shall not include automobile service stations.
- (d) The county sheriff's department or any designee of the town board may require by written order any premises in violation of this section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special charge against the property.
- (e) Whenever the county sheriff's department or any designee of the town board finds or is notified that any such junk as listed in sec. (b) have been stored or permitted to remain on any private property within the town, the county sheriff's department or any designee of the town board shall send by certified mail notice to the owner of record of such junk, if such owner can be ascertained, and also to the owner of the property upon which it is stored, to remove the junk within 30 days. Such notice shall describe the junk, shall order the removal within 30 days and shall set forth the possible penalties.
- (a) Any person, firm, partnership or corporation violating any of the provisions hereof shall be subject to Section 1-17 of this Code.

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**State Law reference—** Storage of junked vehicles, Wis. Stats. § 175.25; vehicle abandonment prohibited; removal; disposal, Wis. Stats. § 342.40; public nuisances, Wis. Stats. ch. 823; village powers, Wis. Stat. s. 60.22(3).

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