

CHAPTER 5

Abandoned and Junked Vehicles

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SEC. 10-5-1 ABANDONED VEHICLES; DEFINITIONS.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semi trailer or mobile home on any public street or highway or private or public property in the Village of Marshall 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 Marshall 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 forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) Vehicle shall mean a motor vehicle, trailer, semi trailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
 - (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.
 - (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Chief of Police.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premise licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

- case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
- (5) 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 vehicles may be reclaimed.

SEC. 10-5-4 DISPOSAL OF ABANDONED VEHICLES.

Any abandoned vehicle impounded by the Village 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. A Class I Notice, including the description of the vehicles, the name(s) and addresses) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

SEC. 10-5-5 REPORT OF SALE OR DISPOSAL.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his 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 enabling the purchaser to obtain a regular certificate of title for the vehicle. 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 Village 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 vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Police Department. The Police Department may charge a reasonable fee for the list.

SEC. 10-5-6 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

- (a) 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.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

SEC. 10-5-7 CONFLICT WITH OTHER CODE PROVISIONS.

In the event of any conflict between this Section and any other provisions of this Municipal Code, this Chapter shall control.

SEC. 10-5-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY.

(Rev. 9/93'-Ord. 1993-15)

- (a) **Storage of Automobiles Restricted.** No disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, vehicle parts or tires, or appliances shall be stored upon private residential property or not enclosed within a building upon nonresidential property, or upon any public property, within the Village of Marshall for a period exceeding ten (10) days.
- (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 "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats.
 - (3) 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, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the ordinances of the Village.
- (d) **Permits Required.**
- (1) No person shall store junk vehicles on private property in the open without obtaining a permit.
 - (2) No property owner shall allow the storage of junk vehicles on their property unless a permit has been issued.
 - (3) Permits shall be issued by the Police Department for no fee.
 - (4) All permits are subject to compliance of this Section, all other related municipal ordinances and rules as established by the Village Board and regulated by the Police Department.
 - (5) A permit shall be obtained for each vehicle.
 - (6) A one-time permit shall be issued for each vehicle, except as provided under Subsection (d)(7)c.
 - (7) Three (3) types of permits are available as follows:
 - a. Commercial: Any person engaged in the business of towing or repairs of motor vehicles shall obtain a special permit for storage of any vehicles to be kept longer than thirty (30) days.
 - b. General Permit: Any person who stores any junk vehicles on private property for a period longer than five (5) days must obtain a permit. The permit may allow storage for thirty (30) days.
 - c. Special Permit: The Village Board has the authority to renew, extend, or grant a permit for special circumstances, and will establish any time limitations.

SEC. 10-5-9 UNREGISTERED VEHICLES.
(Rev. Ord. 2005-10, 11/15/05)

- (a) **Definition:**
Unregistered motor vehicle means any motor vehicle that is not currently registered with a state motor vehicle division, any motor vehicle on which registration is currently suspended, any motor vehicle which improperly displays license plates, any motor vehicle which displays expired license plates or any motor vehicle which displays false license plates.
- (b) It shall be unlawful for any person to store or allow the storage of any vehicle in the open on private property for a period longer than thirty (30) days that is not properly registered for use on the public highway. Any said vehicle without properly displayed license on the vehicle will be considered unlawful storage and will have to provide proof of application for a license within five (5) days after being issued a warning by the Police Department and immediately affix the license to the vehicle when it is available.
- (c) No Person shall cause any unregistered motor vehicle to be located upon any public street or highway or public property in the Village of Marshall.