

Chapter 245

ABANDONED AND INOPERABLE VEHICLES

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| § 245-1. Vehicles deemed abandoned; | § 245-4. Disposal or sale. |
| § 245-2. Storage of inoperable or unlicensed vehicles limited. | § 245-5. Owner responsible for costs. |
| § 245-3. Removal and impoundment. | § 245-6. Notice of sale or disposal. |
| | § 245-7. Violations and penalties. |

[HISTORY: Adopted by the Village Board of the Village of Fall Creek 6-6-1972 (Ch. 13, Sec. 13.07 of the 1960 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Junk dealers -- See Ch. 161.

Nuisances -- See Ch. 184.

§ 245-1. Vehicles deemed abandoned; nuisance.

No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any village street or highway or on any public or private property within the village without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

§ 245-2. Storage of inoperable or unlicensed vehicles limited. [Added 3-12-2009]

A. Storage restricted.

- (1) No person who owns real estate in the Village shall allow or permit anyone else, nor may the owner, him or herself, store, park or leave any partially dismantled, non-operable, unregistered, wrecked, junked or discarded motor vehicle on any private parcel of real estate in the Village for a period longer than forty eight (48) hours after notification thereof by the Police Department. Notification shall be accomplished by placing a written notice in a conspicuous place on the motor vehicle and by mailing or serving the said notice to or upon the owner of the real estate on which the motor vehicle is found, setting forth briefly the citation to this section of the Village Code and the vehicle owner's right to reclaim the motor vehicle. Any motor vehicle which is not removed from the privately owned real estate upon which it is found by the Police Department within forty eight (48) hours after the provision of notice is declared to be a public nuisance and such motor vehicle may be removed as provided in § 245-3. Delivery of the notice to the property owner shall be deemed to have been completed upon placement of the notice in 1st Class mail through the US Postal Service, addressed to the owner of the real estate at the address listed for tax statement purposes in the records of the Village Treasurer.
- (2) No person who holds title to or operates a motor vehicle which is found to be in partially dismantled, non-operable, unregistered, wrecked, junked or

discarded may leave such a vehicle on a public street or in a public place nor upon any private property in the Village without the consent of the owner for a period longer than forty eight (48) hours after notification thereof by the Police Department. Notification shall be accomplished by placing a written notice in a conspicuous place on the motor vehicle setting forth briefly the citation to this section of the Village Code and the vehicle owner's right to reclaim the motor vehicle. Any motor vehicle which is not removed within forty eight (48) hours after the provision of the notice is declared to be a public nuisance and such motor vehicle may be removed as provided in § 245-3.

- (3) For purposes of this section, a motor vehicle is presumed to be non-operable if it is not legally capable of being operated on the highways of the State of Wisconsin in full accord with Ch. 347, Wis. Stats. The term "motor vehicle" shall have the definition set forth at § 340.01(35), Wis. Stats.

B. Exemptions.

- (1) This section shall not apply to the storage of a partially dismantled, non-operable, unregistered, wrecked, junked or discarded motor vehicle which is parked, stored or placed inside of a principal or accessory structure situated upon the real estate on which it is found.
- (2) This section shall not apply to the storage or parking of non-operable, unregistered, wrecked, junked, or discarded motor vehicles found in a storage place maintained in a lawful manner by the owner or occupant thereof in accord with Village ordinances and state law.

§ 245-3. Removal and impoundment.

Any vehicle in violation of this chapter shall be impounded until lawfully claimed or disposed of under § 245-4, except that if the Police Chief or his duly authorized 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 by the village prior to expiration of the impoundment period upon determination by the Police Chief or his duly authorized representative that the vehicle is not wanted for evidence or other reason.

§ 245-4. Disposal or sale.

- A. If the Police Chief or his duly authorized representative determines that the value of the abandoned vehicle exceeds \$100, he shall notify the owner and lienholders of record, by certified mail, that the vehicle has been deemed abandoned and impounded by the village and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and, if not so reclaimed, shall be sold.
- B. In the event that an abandoned vehicle determined to exceed \$100 in value is not reclaimed within the period and under the conditions as provided above, it may be sold at public or

private sale. The description of the vehicle and the terms of sale will be published as a Class 1 notice five days before the sale.

- C. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the village treasury.
- D. Any abandoned vehicle which is determined by the Police Chief or his duly authorized representative 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.

§ 245-5. 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 recovered for the sale of the vehicle may be recovered in a civil action by the village against the owner.

§ 245-6. Notice of sale or disposal.

Within five days after the sale or disposal of a vehicle as provided in § 245-4, the Police Chief or his duly authorized representative shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall also be given to the purchaser of the vehicle. (A copy shall also be retained on file in the village.)

§ 245-7. Violations and penalties¹.

Any person who shall abandon a vehicle in violation of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution, and, in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed 10 days.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)