

Unlicensed, Abandoned or Disabled Vehicles

ORDINANCE 86-02

TOWN OF RUTLAND, DANE COUNTY, WISCONSIN AN ORDINANCE REGULATING UNLICENSED, ABANDONED OR DISABLED VEHICLES

The Town Board of the Town of Rutland does ordain and establish as follows:

1. That the “Ordinance Relating to Storing Disabled Automobiles” adopted on September 25, 1967, be and the same, is hereby repealed, and
2. That Ordinance No. 86-02, entitled “An Ordinance Regulating Unlicensed, Abandoned or Disabled Vehicles” be and the same, is hereby created as follows:

SECTION 1. JURISDICTION

1. This ordinance is enacted pursuant to Sec. 342.40 of the Wisconsin Statutes as from time to time amended, repealed or otherwise altered by the State Legislature.
2. The Town of Rutland may prosecute violations of this ordinance on matters of law relating to this ordinance.

SECTION 2. DEFINITIONS

1. As used in this ordinance, the following words have the meanings indicated:
 - A. “Stored in the open” means and includes vehicles stored uncovered or covered With a non-permanent cover such as a tarp, plastic or vinyl cover, automobile tarp or similar material.
 - B. Racing cars and equipment shall be, for the purposes of this ordinance, unlicensed vehicles.

SECTION 3. STORAGE OF ABANDONED, DISASSEMBLED, UNOPERABLE, UNLICENSED, JUNKED OR WRECKED MOTOR VEHICLES PROHIBITED.

1. No abandoned, disassembled, unoperable, unlicensed, junked or wrecked motor vehicles, trailer, semi-trailer, or mobile home shall be stored or allowed to remain in the open on public or private property within the Town of Rutland for a period of time in excess of 5(five) days within one calendar year unless in connection with an automotive sales or repair business enterprise located in a properly zoned area and in conformity with this section or in connection with industrial or agricultural seasonal use. Except as otherwise provided in this ordinance, whenever any vehicle has been left unattended without the permission of the property owner for more than 5 (five) days in the Town of Rutland, the vehicle is deemed abandoned and constitutes a public nuisance.
2. Any vehicle in violation of this ordinance shall be impounded until lawfully claimed or disposed of under sub. (3) except that if it is deemed by a duly authorized Town representative 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 Town prior to expiration of the impoundment period upon the determination of the Town Board 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 (3) (c).

3. (a) Any person designated by the Rutland Town Board who discovers any motor vehicle, trailer, semi-trailer, or mobile home on any public highway or public or private property which has been abandoned or is in violation of this ordinance shall cause the vehicle to be removed to a suitable place or impoundment. Upon removal of the vehicle, the designated person shall notify a Town Board member of the abandonment and of the location of the impounded vehicle.

(b) The owner of any abandoned vehicle except a reported stolen vehicle is responsible for the abandonment and 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 municipality against the owner. Whether or not the Town recovers the cost of towing service and enforcement, the Town shall be responsible for requisitional towing service and reasonable charges for impoundment.

(c) Any vehicle which is deemed abandoned by a duly authorized Town representative and not disposed of under sub. (2) shall be retained in storage for a minimum period of 10 (ten) days after a certified mail return receipt has been received from 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 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. Each retained vehicle not reclaimed by its owner or lienholder may be sold.

(d) All vehicles not disposed of under section (2) or reclaimed by the owner or lienholders shall be sold by sealed bid or public auction pursuant to the procedure described in Section 342.40(3)(a) of the Wisconsin Statutes.

4. Whenever the Town Board designated person shall find any such vehicles placed or stored in the open upon private property within the limits of the Town of Rutland in violation of this ordinance, he shall notify in writing the owner of the property upon which such vehicles are placed or stored to immediately remove said vehicle. If such vehicles are not removed within 5 (five) days from said notice, a citation shall be issued for the violations of this ordinance. Whenever a citizen files a written complaint against the holder of such vehicles, the Town Clerk will give the accused party a written notice to immediately remove said vehicle. If such vehicles are not removed within 5 (five) days from said notice, the Town shall issue a citation for a violation of this ordinance.

5. Unlicensed vehicles that are used for seasonal work in connection with agricultural and industrial enterprises in properly zoned areas will be permitted if they are not left unlicensed for a period of more than nine (9) months.

SECTION 4. PENALTIES

Any person violating the provisions of this ordinance shall forfeit not more than \$500 for each violation. Each day of storage or parking after the initial five (5) days shall be considered a separate violation. In default of payment of such forfeiture, such violator may be imprisoned in the County Jail until such forfeiture is paid, but not exceeding sixty (60) days.

SECTION 5. EFFECTIVE DATE

This ordinance shall be effective upon passage and publication.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Rutland at regularly scheduled meeting held on the 3rd day of June, 1986.

APPROVED:

BY: S/Myron L. Bacon
Myron L. Bacon, Chairman

ATTESTED TO:

BY: S/Dawn George,
Dawn George, Clerk

ADOPTED: June 3rd, 1986

POSTED/PUBLISHED: June 12, 1986