

## Chapter 342

### VEHICLES, ABANDONED

#### § 342-1. Definitions

#### § 342-2. Vehicle abandonment prohibited.

#### § 342-3. Removal

#### § 342-4 Disposal

[HISTORY: Adopted by the Town Board of the Town of Washington 6-19-1986 as Ch. 6, Subch. III of the 1986 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Vehicles and traffic — See Ch. 346.

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#### § 342-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEPARTMENT — Refers to the Department of Transportation of the State of Wisconsin.

DULY AUTHORIZED TOWN REPRESENTATIVE — The Town law enforcement officer of § 105-6 of this Code or any Town Board member.

#### § 342-2. Vehicle abandonment prohibited.

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. Except as otherwise provided in this chapter, whenever any vehicle has been left unattended without the permission of the property owner for more than 30 days, 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 representative of the Town Board.

#### § 342-3. Removal.

Any vehicle in violation of this chapter shall be impounded until lawfully claimed or disposed of under § 342-4, 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 Board prior to expiration of the impoundment period upon determination by the Town law enforcement officer 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 § 342-4C.

**§ 342-4. Disposal.**

- A. Any Town law enforcement officer, sheriff, sheriff's deputy, 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 Town law enforcement officer of the abandonment and of the location of the impounded vehicle.
- B. 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 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 costs of towing and enforcement, the Town shall be responsible to the towing service 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 § 342-3 shall be retained in storage for a minimum period of 10 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 the abandoned motor vehicle, 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. Each retained vehicle not reclaimed by its owner or lien holder may be sold. The Town 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 a duly authorized representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the Town 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. A public notice shall be posted at the office of the Town law enforcement officer or the office of the County Sheriff. The posting of the notice at the office of the law enforcement officer or the Sheriff's Department shall be in the same form as the certified mail notice sent to the owner or lien holders of record. Upon sale of an abandoned vehicle, the Town shall supply the purchaser with a completed form designated by the Department 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. Any listing of vehicles to be sold by the Town shall be made available to any interested person or organization which makes a written request for

such list. The Town may charge a fee for the list.<sup>1</sup>

- D. Within five days after the sale or disposal of a vehicle as provided in this section or § 342-3, the Town shall advise the Department of the sale or disposition on a form supplied by the Department.

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