

## Title 10 ► Chapter 5

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# 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, semitrailer or mobile home on any public street or highway or private or public property in the Village of Rudolph 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 Rudolph 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, semitrailer 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.

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- (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 a law enforcement officer.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning or other ordinance regulations, or to a vehicle parked in a paid parking lot or space in compliance with Village ordinances where the required fee has been paid.

**Sec. 10-5-2 Removal and Impoundment of Vehicles.**

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

**Sec. 10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles.**

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.** Any law enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Rudolph which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by a law enforcement officer to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if a law enforcement officer determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of forty-eight (48) hours and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle

Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to a law enforcement officer to prove an ownership or secured party interest in said vehicle.

- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the Village of Rudolph;
  - (2) The "determined value" of the abandoned vehicle;
  - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
  - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which 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 address(es) 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, a law enforcement officer shall advise the State of Wisconsin Department of Transportation, Division

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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 Village. The Village 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.**

- (a) **Storage of Automobiles and Other Debris Restricted.**
  - (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, appliances, household furnishings, abandoned mobile home or trailer, miscellaneous junk or appliances, junk, or construction equipment/debris shall be stored unenclosed and/or within public view upon private residential property within the Village of Rudolph for a period exceeding forty-eight (48) hours, or, if it is in connection with an authorized business enterprise, the premises shall be maintained in such a manner as to not constitute a public nuisance and at all times shall be in compliance with this Section and Village zoning and nuisance regulations. Outside storage of items listed above (but not limited to) on a commercial or industrial property shall be enclosed by a fence or other enclosure of a design approved by the Village Board.

**Title 10 Motor Vehicles and Traffic**  
**Chapter 5 Abandoned and Junked Vehicles**  
**Section 8 Junked Vehicles on Private Property**

**10-5-8**

(a) **Title and Purpose**

- (1) The title of this ordinance is the Village of Rudolph Junked Vehicle Ordinance. The purpose of this ordinance is for the Village of Rudolph to regulate by permit and penalty the storing of certain junked vehicles in the Village of Rudolph.
- (2) This ordinance repeals and replaces in whole any and all ordinances previous identified as 10.5.8

(b) **Authority**

The Village Board of the Village of Rudolph has the specific authority under § 175.25, Wis. Stats., and general authority under its Village powers under § ~~60.25~~ 61.50, Wis. Stats., to adopt this ordinance.

(c) **Adoption of Ordinance**

This ordinance, adopted by a majority of the Village Board on a roll call vote with a quorum present and voting, and proper notice having been given, provides for the regulation by permit and penalty the storage of certain junked vehicles in the Village.

(d) **Definitions**

- (1) **"Junked vehicle"** means any Inoperable, ruined, dismantled, or wrecked vehicle, in whole or in part, including any vehicle in the possession of a motor vehicle salvage dealer for wrecking, processing, scrapping, recycling, or dismantling purposes. For purposes of this ordinance, a motor vehicle is rebuttably presumed to be inoperable if it is not moved for a period of three (3) consecutive days. Demonstrating to the Village Board or its representative that the motor vehicle can be moved from its location under its own power conclusively rebuts the presumption.
- (2) **"Junked vehicle parts"** means parts from a junked vehicle.
- (3) **"Motor vehicle"**, except when included in the terms "motor vehicle dealer" or "motor vehicle salvage dealer", means a vehicle that was, at the time of its manufacture, self-propelled.
- (4) **"Motor vehicle dealer"** has the meaning given in § 218.0101 (23), Wis. Stats.
- (5) **"Motor vehicle salvage dealer"** means a person who purchases and resells vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who carries on or conducts the business of wrecking, processing, scrapping, or dismantling motor vehicles or selling parts of motor vehicles so processed, including a motor vehicle salvage dealer who sells no vehicles or vehicle parts and whose business is limited to a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale or remelting purposes.
- (6) **"Person"** means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.
- (7) **"Village"** means the Village of Rudolph, Wood County, Wisconsin.
- (8) **"Village Board"** means the Board of ~~Supervisors~~ Trustees for the Village of Rudolph, Wood County, Wisconsin, and includes designees of the Board authorized to act for the Board.
- (9) **"Village Clerk"** means the Clerk of the Village of Rudolph, Wood County, Wisconsin.
- (10) **"Vehicle"** means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:

- a. **"Aircraft"** as defined in § 29.001 (6), Wis. Stats.
- b. **"All-terrain vehicles"** as defined in § 340.01 (2g), Wis. Stats.
- c. **"Antique motor vehicles"** as described in § 341.265, Wis. Stats.
- d. **"Automobiles"** as defined in § 340.01 (4), Wis. Stats.
- e. **"Boats"** as defined in § 29.001 (16), Wis. Stats.
- f. **"Camping trailers"** as defined in § 340.01 (6m), Wis. Stats.
- g. **"Farm equipment"** as defined in § 100.47 (1), Wis. Stats.
- h. **"Farm tractors"** as defined in § 340.01 (16), Wis. Stats.
- i. **"Hobbyist or homemade vehicles"** as defined in § 341.268, Wis. Stats.
- j. **"Junk vehicles"** as defined in § 340.01 (25j), Wis. Stats.
- k. **"Implements of husbandry"** as defined in § 340.01 (24), Wis. Stats.
- l. **"Manufactured homes"** as defined in § 101 .91 (2), Wis. Stats.
- m. **"Mobile homes"** as defined in § 340.01 (29), Wis. Stats.
- n. **"Mopeds"** as defined in § 340.01 (29) (m), Wis. Stats.
- o. **"Motor bicycles"** as defined in § 340.01 (30), Wis. Stats.
- p. **"Motor buses"** as defined in § 340.01 (31) Wis. Stats.
- q. **"Motor homes"** as defined in § 340.01 (33m), Wis. Stats.
- r. **"Motor trucks"** as defined in § 340.01 (34), Wis. Stats.
- s. **"Motorcycles"** as defined in § 340.01 (32) , Wis. Stats.
- t. **"Railroad trains"** as defined in § 340.01 (48), Wis. Stats.
- u. **"Recreational vehicles"** as defined in § 340.01 (48r), Wis. Stats.
- v. **"Road machinery"** as defined in § 340.01 (52), Wis. Stats.
- w. **"Road tractors"** as defined in § 340.01 (53), Wis. Stats.
- x. **"Salvage vehicles"** as defined in § 340.01 (55g), Wis. Stats.
- y. **"School buses"** as defined in § 340.01 (56), Wis. Stats.
- z. **"Semitrailers"** as defined in § 340.01 (57), Wis. Stats.
- aa. **"Snowmobiles"** as defined in § 340.01 (58a), Wis. Stats.
- bb. **"Special interest vehicles"** as defined in § 341.266, Wis. Stats.
- cc. **"Trailers"** as defined in § 340.01 (71), Wis. Stats.
- dd. **"Truck tractors"** as defined in § 340.01 (73), Wis. Stats.
- ee. Unlicensed demolition motor vehicles and unlicensed racing motor vehicles.
- ff. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

(11) **"Wis. Stats."** means the Wisconsin Statutes, including successor provisions to cited statutes.

(e) **Coverage**

- (1) No person may accumulate, store, or otherwise keep, or allow to be accumulated, stored, or otherwise kept on real estate owned or leased by the person, any junked vehicles or junked vehicle parts outside of any building on any real estate located within the Village without obtaining a junked vehicle permit from the Village Board.
- (2) No person may accumulate, store, or otherwise keep any junked vehicle or junked vehicle parts within 500 feet of the center line of any Village highway in the Village, or within 750 feet of the center line of any county trunk, state trunk, or federal highway without obtaining a junked vehicle permit from the Village Board.
- (3) The fee for issuance of a junked vehicle permit shall be established by resolution of the Village Board at not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ per permit. The fees shall be established annually by the Village Board prior to December 31 of the previous year. The term of the permit

shall be from the date of the year of issue to June 30 of the next year. The permit shall be issued by the Village Board prior to any person accumulating or storing any junked vehicle or junked vehicle parts in the Village subject to this ordinance.

(f) **Application / Permit**

The application and permit shall designate the legal premises in the Village subject to the permit. The permit may be amended without charge if the permittee changes premises in the Village. However, the permit is not transferable from one person to another. The application permit shall contain the following:

- (1) The name of the applicant, any agent of applicant, and the owner of the premises, if different from the applicant.
- (2) The address of the premises.
- (3) The premises' telephone number, if any, and the residential telephone number of the applicant if different from the premises' telephone number, the business and residential telephone number of any agent, and the business and residential telephone number of the owner of the premises, if different from the applicant.
- (4) The age of the applicant and of the owner of the premises, if different from the applicant.
- (5) The legal description of the premises.
- (6) The manner, if any, of storing and transporting junked vehicles and junked vehicle parts.
- (7) The projected number of junked vehicles or junked vehicle parts projected to be stored, accumulated, or otherwise kept on the premises and the projected number of years of accumulation, storage, and removal of the junked vehicles and junked vehicle parts.
- (8) Any other item requested by the Village Board in writing.

(g) **Ordinance / Permit Provisions**

- (1) Persons subject to this ordinance shall comply with § 84.31 and § 175.25, Wis. Stats.
- (2) Each junk vehicle permit issued by the Village Board shall include conditions regarding all of the following, which shall be established on a case-by-case basis by the Village Board acting in its discretion:
  - a. Installation and maintenance of fences on the premises.
  - b. Provision and maintenance of adequate fire safety equipment on the premises.
  - c. Removal or draining of all vehicle tanks and engines on the premises.
  - d. Installation and maintenance of adequate sanitary facilities on the premises.
  - e. Operational hours at the premises.
  - f. Installation and maintenance of adequate and necessary physical structures and equipment and provision of necessary personnel.
  - g. Rules and safeguards to prevent public nuisances and to protect the public health and safety of persons residing near the premises or persons entering the premises, including public nuisances at the premises associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.
  - h. Prohibition of open fires or open burning of solid waste at the premises.
  - i. Prohibition of any hazardous waste being stored, kept, or disposed of at the premises.
  - j. Installation and maintenance of adequate landscaping upon and surrounding the premises.
  - k. Provision and maintenance of adequate security and operational personnel to prevent trespassing onto the premises.
  - l. The number of junked vehicles and junked vehicle parts authorized to be kept on the premises.

- m. Installation and maintenance of adequate physical structures and operational controls to prevent trespassing, littering, and private nuisances on private and public lands adjacent to the premises.
  - n. Any other condition determined by the Village Board to be necessary and appropriate.
- (3) The applicant and any other person subject to this ordinance are subject to all of the following:
- a. No person shall be issued or reissued a junked vehicle permit in the Village until the appropriate application fee has been paid to the Village Clerk.
  - b. No person shall be issued or reissued a permit in the Village who has failed to properly and fully complete and submit to the Village Clerk the application form as developed and provided by the Village.
  - c. No person shall be issued or reissued a junked vehicle permit, and a permittee may have the permit revoked after a public hearing by the Village Board, if the applicant for the junked vehicle permit or permittee has done any of the following:
    - 1. Violated any condition stated in the junked vehicle permit.
    - 2. Failed to comply, as determined by the Village Board, with any Village or County zoning ordinances.
    - 3. Failed to allow physical access to the premises by the Village Board or its designee for inspection purposes upon forty-eight hours' notice to the applicant or permittee.

(h) **Penalty Provision**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$ 10.00 nor more than \$ 50.00, plus applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Village Board may seek injunctive relief from a court of record to enjoin further violations.

(i) **Severability**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

(j) **Effective Date**

This ordinance is effective on publication or posting. The Village Clerk shall properly post or publish this ordinance as required under § 61.50 (1), Wis. Stats.