

Title 10 ► 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, semitrailer or mobile home on any public street or highway or private or public property in the Village of Bangor 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 Bangor 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.** A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.
 - (3) **Street.** 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.
 - (4) **Abandoned Motor Vehicle.** Any motor vehicle which has been left or abandoned upon a public highway, the right-of-way thereof, or other publicly owned property for forty-eight (48) or more, or upon the property of another person without the permission of that person.

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- (5) **Removal.** The physical relocation of any property hereunder to an authorized location.
- (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, 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 and/or is enclosed within a building, or if designated as not abandoned by an enforcement officer.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises which is fully in compliance with applicable zoning regulations or other Village ordinances, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

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

Any vehicle in violation of this Chapter may 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 (or other enforcement authority) who discovers any motor vehicle, trailer, semitrailer, mobile home or other vehicle described in Section 10-5-1 on any public street or highway or private or public property in the Village of Bangor 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 ten (10) 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 of less than 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 Bangor;
 - (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 ten (10) 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 of Bangor 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, the law enforcement officer shall advise the 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 of Bangor shall be made available to any interested person or organization which makes a written request for such list to the Village. The Village of Bangor may charge a reasonable fee for the list.

Sec. 10-5-6 Owner Responsible for Impoundment and Disposal Costs.

- (a) **Disposal 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 covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (b) **Exceptions.** 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 Code of Ordinances, this Chapter shall control.

Sec. 10-5-8 Junked Vehicles and Appliances on Private Property.

- (a) **Storage of Automobiles and Other Debris Restricted.**
 - (1) **Prohibition; Time Limit; Screening.**
 - a. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles [including but not limited to, truck bodies, truck tractors, trailers, farm machinery, appliances, household furnishings, tires, old lumber, vehicle parts, motor vehicle accessories, recreational vehicles (boats, trailers, campers, snowmobiles, all-terrain

- vehicles, utility terrain vehicles, etc.), improperly stored refuse and recyclables, refuse, debris, abandoned mobile home or trailer, appliances, improperly stored personal property, unsightly debris, or construction equipment/debris shall be stored unenclosed outside of a building or within public view within the Village of Bangor for a period exceeding forty-eight (48) hours, or outside an industrial or commercial property for more than forty-eight (48) hours, unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance, and fully in compliance with this Section and all other applicable Village ordinances.
- b. No disassembled, inoperable or junked farm machinery shall be kept or stored outside upon property zoned agricultural for a period exceeding thirty (30) days. A one-time thirty (30) day storage extension may be granted by the Village Administrator pursuant to Subsection (c) below. Violations of this Subsection are deemed to be a public nuisance. For purposes of this Section, equipment primarily used with construction or commercial contractor work is not classified as agricultural equipment, even if occasional use of such equipment is made for agricultural purposes.
 - c. Thirty (30) day extension applications shall be made to the Village Administrator, who shall make a determination regarding such application, following recommendations from the Chief of Police, Director of Public Works and Zoning Administrator. The thirty (30) day extension shall run from the time of the Village Administrator's determination. Appeals of the Village Administrator's determination may be made to the Village Board.
 - d. 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.
- (2) **Limited Permitted Storage.** Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three (3) disassembled, inoperable, unlicensed or wrecked vehicles, or other item(s) listed in Subsection (a)(1), in the open and/or outside its Village-approved enclosure, for a period not to exceed thirty (30) days, after which such vehicles shall be removed.
- (b) **Definitions.** In addition to the definitions in Section 10-5-1(b), the following definitions shall be applicable in this Section:
- (1) **Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers.**
 - a. Motor vehicles, recreational vehicles (boats, campers, snowmobiles, all-terrain vehicles, etc.), truck bodies, tractors, construction/contractors equipment, farm machinery or trailers, and other items listed in Subsection (a), or defined in this Subsection, in such state of physical or mechanical ruin or disrepair as to be incapable of designed use or 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, or for the equipment's design purpose, due to missing or inoperative parts, flat or removed tires, expired or missing license plates, disrepair, or other defects. For purposes of this Section, may also be referred to as "nuisance motor vehicles".
- b. Included in this definition are "junked motor vehicles" which are motor vehicles that are incapable of operation or use upon a highway, or for the equipment's design purpose, and that have no resale value except as a source of parts or scrap or a vehicle that an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.
 - c. To be considered "operable" under this Section, non-automotive equipment, such as construction or contractor's equipment, must be fully capable of starting and performing design tasks, and must be in full operation as designed at least four (4) times per year, and off-site in the case of construction/contractors equipment.
- (2) **Unlicensed – motor vehicles, truck bodies, tractors or trailers.** Motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates or registration stickers.
- (3) **Motor vehicle.** Is defined in Sec. 340.01(35), Wis. Stats. For purposes of this Section, "motor vehicle" includes, but is not limited to, all of the following:
- a. **Aircraft** as defined in Sec. 29.001(16), Wis. Stats.
 - b. **All-Terrain vehicles** as defined in Sec. 340.01(2g), Wis. Stats.
 - c. **Antique vehicles** as described in Sec. 341.265, Wis. Stats.
 - d. **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
 - e. **Boats** as defined in Sec. 29.001(16), Wis. Stats.
 - f. **Camping trailers** as defined in Sec. 340.01(6m), Wis. Stats.
 - g. **Farm equipment** as defined in Sec. 100.47(1), Wis. Stats.
 - h. **Farm tractors** as defined in Sec. 340.01(16), Wis. Stats.
 - i. **Hobbyist or homemade vehicles** as defined in Sec. 341.268, Wis. Stats.
 - j. **Junk vehicles** as defined in Sec. 340.01(25j), Wis. Stats.
 - k. **Implements of husbandry** as defined in Sec. 340.01(24), Wis. Stats.
 - l. **Manufactured homes** as defined in Sec. 101.91(2), Wis. Stats.
 - m. **Mobile homes** as defined in Sec. 340.01(29), Wis. Stats.
 - n. **Mopeds** as defined in Sec. 340.01(29m), Wis. Stats.
 - o. **Motor bicycles** as defined in Sec. 340.01(30), Wis. Stats.
 - p. **Motor buses** as defined in Sec. 340.01(31), Wis. Stats.
 - q. **Motor homes** as defined in Sec. 340.01(33m), Wis. Stats.
 - r. **Motor trucks** as defined in Sec. 340.01(34), Wis. Stats.
 - s. **Motorcycles** as defined in Sec. 340.01(32), Wis. Stats.
 - t. **Railroad trains** as defined in Sec. 340.01(48), Wis. Stats.
 - u. **Recreational vehicles** as defined in Sec. 340.01(48r), Wis. Stats.

- v. **Road machinery** as defined in Sec. 340.01(52), Wis. Stats.
 - w. **Road tractors** as defined in Sec. 340.01(53), Wis. Stats.
 - x. **Salvage vehicles** as defined in Sec. 340.01(55g), Wis. Stats.
 - y. **School buses** as defined in Sec. 340.01(56), Wis. Stats.
 - z. **Semi trailers** as defined in Sec. 340.01(57), Wis. Stats.
 - aa. **Snowmobiles** as defined in Sec. 340.01(58), Wis. Stats.
 - bb. **Special interest vehicles** as defined in Sec. 341.266, Wis. Stats.
 - cc. **Trailers** as defined in Sec. 340.01(71), Wis. Stats.
 - dd. **Truck tractors** as defined in Sec. 340.01(73), Wis. Stats.
 - ee. **Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go 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.
- (4) **Inoperable appliance.** Any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
 - (5) **Junk.** Worn out or discarded material of little or no value, including but not limited to, household appliances or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety or general welfare.
 - (6) **Enclosure.** Type of construction, enclosure or screening required to hide and harbor vehicles from public view, excluding tarps. The Village Board shall have sole authority to determine the adequacy of enclosures and their construction required under this Chapter, which may be a structure, fence, vegetative screening, or other type of acceptable enclosure.
 - (7) **Owner.** Considered to be the person(s) who occupies the premises and who may or may not be the responsible person(s) harboring such unlicensed motor vehicle.
 - (8) **Abandoned mobile home or trailer.** One which has not been used or occupied, or which due to dilapidated condition cannot be occupied in a healthful manner, within the past three hundred sixty-five (365) days.
 - (9) **Repair Work.** Includes mechanical, electrical and body work, maintenance, construction, reconstruction, assembly, disassembly, restoration, painting, upholstering or any similar or related work performed on any motor vehicle.
 - (10) **Street Repairs.** Means "temporary repair work" performed on a motor vehicle in a manner and place which will not create a danger or hazard to vehicular or pedestrian traffic.
 - (11) **Temporary Repair Work.** Repair work which is performed within twenty-four (24) hours of a motor vehicle becoming unexpectedly unroadworthy on a street, highway or thoroughfare, which work will make, or attempts to make, said motor vehicle roadworthy.
 - (12) **Public View.** Items stored or maintained outside of an approved enclosure which are visible from any direction from either public right-of-ways or from property in private ownership.

- (13) **Not Registered.** In reference to all-terrain/utility terrain vehicles, as defined in Sec. 340.01(2g), Wis. Stats., "snowmobiles" as defined in Sec. 340.01(58a), Wis. Stats., or "boat" as defined in Sec. 29.001(16), Wis. Stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.
 - (14) **Improperly Stored Personal Property.** Any personal property which is stored or otherwise placed or kept in violation of the provisions of this Section.
 - (15) **Motor Vehicle Accessories.** Any part or parts of any motor vehicle.
 - (16) **Unightly Debris/Junk.** Any property which is stored in public view which is junked, discarded, unused, in disrepair or otherwise unsightly, including but not limited to, refrigerators, furnaces, washing machines, stove, machinery or machinery parts, wood, bricks and cement blocks.
- (c) **Exceptions.**
- (1) **Exceptions Described.** This Section shall not apply to:
 - a. Any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful, properly zoned place, in such a manner as to not constitute a nuisance, when necessary to the operation of such business enterprise, in an enclosed storage place or depository maintained in a lawful place and manner.
 - b. A vehicle meeting the standards for a "repair work" exception under Subsection (d) below.
 - c. Any business engaged in the sale, repair or storage of such unlicensed vehicles may store such vehicles provided a public nuisance is not created and activities are in full compliance with this Section, the Village Zoning Code, and pertinent Village regulations. The Village Administrator, following recommendations from the Chief of Police, Director of Public Works, and Zoning Administrator, may determine the necessity of such storage and may impose limitations or require fencing or other type of approved enclosure of such non-residential properties. Appeals of determinations of the Village Administrator may be made to the Village Board.
 - (2) **Temporary Permit.** In other situations the Village Administrator may issue a one-time temporary permit, following the procedures in Subsection (a)(1)b above, permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
 - (3) **Race Cars; Parts Cars; Collectible Vehicles.** No exceptions shall be recognized by the Village under this Section for vehicles deemed by their owners to be race cars, parts cars, or collectible vehicles.
- (d) **Vehicle Repair Work — Limitations.** "Repair work" of vehicles may only be performed upon observance of the following conditions and restrictions:
- (1) **Residential Property Limitations.** "Repair work" upon residential private property cannot be performed for financial gain or profit obtained through fees, barter, charges or appreciation in the value of a motor vehicle purchased for the purpose of resale.

"Repair work" upon other than residential property shall be in accordance with applicable state, county and Village ordinances, rules and regulations, licenses and permits.

- (2) **Time Restrictions.** Except when a temporary time extension has been granted per Subsection (c)(2) above, "repair work" which renders a motor vehicle inoperable for a period of more than three (3) days shall only be performed inside a garage, shed or enclosed structure, or, in the case of a non-residential property, in a fenced area which fully screens repair work from the view of the owners, users and occupiers of abutting and neighboring properties and from the view of passersby using public thoroughfares, streets and highways.
- (3) **Street Repairs.** "Street repairs" may be performed only within the scope of the definition thereof.

(e) **Enforcement.**

- (1) **Notice; Citation.** Whenever the Police Department shall find any violation of this Section, the Police Department shall provide notice to the owner and/or occupant of the real estate upon which the violation exists, and/or to the owner and/or occupant of such nuisance property causing the violation, to remove such violating property, either immediately in the case of any emergency, or within one (1) to thirty (30) days in the case of a non-emergency situation. In the event there is not compliance at the expiration of the notice period set forth above by the enforcement official, the Police Department shall cause to be issued a citation to the property owner and/or occupant of the property on which said violation exists and/or to the owner and/or occupant of such property causing the violation. Said citation shall provide that the violation shall be remedied:
 - a. In the case of an emergency immediately; or
 - b. In non-emergency situations, within one (1) to thirty (30) days. Such citation shall provide for a forfeiture pursuant to Section 1-1-6.
- (2) **Removal of Violating Property.** If such violation is not remedied within the time set forth in the citation issued under Subsection (e)(1) above, the Police Department may cause the vehicle, appliance, or other property causing the violation to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Police Department, or his/her duly authorized representative. Any costs incurred in the removal and sale of said vehicle, appliance, or other violating property shall be recovered from the tenant of the property from upon which it was removed and/or the owner of the property upon which it was removed. However, if the owner of the vehicle, appliance or other property can not be readily found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll pursuant to Sec. 66.0627, Wis. Stats.
- (3) **Each Day a Separate Offense; Remedies Not Limited.** Each day a violation exists after the expiration of time set forth in the citation above shall constitute a new and

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separate offense. Use of the abatement procedures in this Subsection shall not preclude the Village's use of other enforcement measures, including, but not limited to, imposing a forfeiture under Section 1-1-6 pursuant to Subsection (f) below.

- (f) **Penalty.** In addition to Subsection (e) above, any person violating this Section or who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle, appliance or other violating property involved shall constitute a separate offense.

State Law Reference: Sec. 342.40, Wis. Stats.

Cross-Reference: Title 11, Chapter 6, Public Nuisances.

Title 15, Chapter 4, Property Maintenance Code.