

ORDINANCE NO. 97-1

AN ORDINANCE TO CREATE, MODIFY, AMEND, AND RE-ADOPT, CHAPTER 13.06 OF THE GENERAL ORDINANCES AND BY-LAWS OF THE VILLAGE OF LAVALLE.

THE VILLAGE BOARD OF THE VILLAGE OF LAVALLE, SAUK COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1. The general chapter entitled Chapter 13.06 of the Village of LaValle Municipal Code is hereby created and is to read as follows:

Chapter 13.06

ABANDONED VEHICLES<sup>1</sup>

- (1) Prohibited. No person shall leave unattended any motor vehicle, trailer, semi-trailer, or mobile home on any public street or highway or public or 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 forty-eight hours, the vehicle is deemed abandoned and constitutes a public nuisance.<sup>1</sup>
- (2) Removal and impoundment. Any vehicle in violation of this chapter shall be impounded until lawfully claimed or disposed of under Section (3) of this chapter, except that if the Village Clerk 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 Village Clerk that the vehicle is not wanted for evidence or other reason.
- (3) Disposal.
  - (a) If the Village Clerk determines that the value of the abandoned vehicle exceeds one hundred dollars, he shall notify the owner and lien-holders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Village and may be reclaimed within fifteen days upon payment of accrued towing, storage and notice charges, and if not so reclaimed shall be sold.
  - (b) In the event an abandoned vehicle determined to exceed one hundred dollars in

value is not reclaimed within the period and under the condition as provided in subsection (a) of this section, it may be sold by sealed bids. The description of the vehicle and the terms of sale shall be published as a Class 1 notice five days before the sale.

- (i) After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the treasury.
  - (ii) Any abandoned vehicle which is determined by the Village Clerk to have a value of less than one hundred dollars may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- (4) Impoundment and sale: 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.
- (5) Notice of sale or disposition. Within five days after the sale or disposal of a vehicle as provided in Section (3), above, the Village Clerk 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.
- (6) Storage of motor vehicles restricted. No disassembled, abandoned, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored or allowed to remain in the open upon private property within the Village for a period exceeding twenty (20) days.
- (7) Definitions. The following words when used in this chapter shall have the meaning ascribed to them as follows:
  - (a) "Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" shall include but is not limited to motor vehicles, truck bodies, tractors, trailers, tractor-trailers, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of 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 due to missing or inoperative parts, flat or removed tires, expired or missing license plates, or other defects.
  - (b) "Unlicensed - motor vehicles, truck bodies, tractors, tractor-trailers, or other trailers" includes but is not limited to: motor vehicles, truck bodies, tractors, tractor-trailers, or other trailers which do not bear lawfully current license plates.

- (c) "Inoperable appliance" includes but is not limited to: any stove, washer, dishwasher, trash compactor, or refrigerator which is no longer operable in the sense for which it was manufactured.

(8) Exceptions. This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers, provided such vehicles are stored in rear yard areas. Such business enterprises shall include auto junk yards, auto repair and body shops, but shall not include automobile service stations, or automotive accessory or parts stores, except those service stations which operate a duly licensed wrecker service. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Clerk may issue permits 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.

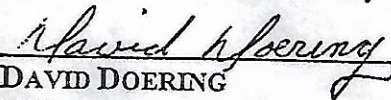
(9) Enforcement.

- (a) Whenever the Village Clerk shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, the Village Clerk shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicle or appliance is not removed within five (5) days, the Village Clerk shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
- (b) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Village Clerk shall cause the vehicle or appliance to be removed and impounded and it shall thereafter be disposed of as prescribed in Section (2) through (5) by the Village Clerk. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be 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. Notice shall be given to the property owner which shall include an approximate total of the proposed charge and shall provide for a hearing before the Board.

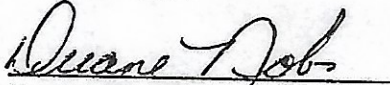
(10) Penalty. Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty of a forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution. Each motor vehicle or appliance involved shall constitute a separate offense.

Section 2. This ordinance shall take effect upon passage and publication as required by law.

ATTEST:

  
DAVID DOERING  
Village Clerk

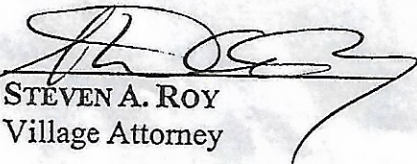
APPROVED:

  
DUANE NOBS  
Village President

Adopted: June 9, 1997.

Published: June 25, 1997.

Approved as to form:

  
STEVEN A. ROY  
Village Attorney