

ORDINANCE 0-04-2008-65

ASHLAND COUNTY ABANDONED VEHICLES ORDINANCE

The County Board of Supervisors of the County of Ashland, Wisconsin does ordain as follows:

65.01 AUTHORITY. Wisconsin Statutes, Sections 342.40 and 346.95(5), enables counties to enact ordinances governing the removal and disposal of abandoned vehicles and provide a forfeiture in addition to providing for the recovery by the county of the cost of impounding and disposing of the vehicle.

65.02 JURISDICTION. This chapter shall apply in the unincorporated areas of Ashland County.

65.03 VEHICLE ABANDONMENT PROHIBITED. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or public or private property in the unincorporated areas of Ashland County 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 as aforesaid without permission of the property owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. When any such vehicle has been left unattended upon a public highway in a location that impedes highway maintenance and/or winter snow removal operations for more than two (2) hours, 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 County official pursuant to this chapter.

65.04 REMOVAL AND IMPOUNDMENT OF ABANDONED VEHICLE.

1. Any police officer, or County Sheriff's Deputy who discovers any motor vehicle, trailer, semi-trailer, 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, police officer, or County Sheriff's Deputy shall notify the Sheriff of Ashland County, or his/her duly authorized representative, of the abandonment and of the location of the impounded vehicle.
2. Any vehicle left unattended in violation of this chapter shall be impounded until lawfully claimed or disposed of under Section 65.05, except that if the Sheriff of Ashland County, or his/her duly authorized representative, determines 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 Ashland County prior to expiration of the impoundment period upon determination by the Sheriff, or his/her authorized representative, that the

vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially completed vehicles in excess of 19 model years of age shall be disposed of in accordance with Section 65.05.

65.05 DISPOSAL OF ABANDONED VEHICLE.

1. Any vehicle which is deemed abandoned by a duly authorized County representative and not disposed of under Section 65.04 shall be retained in storage for a minimum period of ten (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 County may dispose of the vehicle by sealed bid or auction sale as provided by this chapter. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized County representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the County 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 County Sheriff. The posting of the notice at 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 County shall supply the purchaser with a completed form designed by the Division of Motor Vehicles 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 County 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 County shall be made available to any interested person or organization which makes a written request for such list. The County may charge a fee for the list.
2. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the County Treasury.

65.06 OWNER RESPONSIBLE FOR 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 for the storage of a stolen vehicle shall accrue to the last known registered owner. Costs not recovered for the sale of the vehicle may be recovered in a civil action by Ashland County against the owner.

65.07 NOTICE OF SALE OR DISPOSITOIN. Within five (5) days after the sale or disposal of a vehicle as provided, the Sheriff, or his duly authorized representative, 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 be given to the purchaser of the vehicle. A copy shall also be retained on file in the Ashland County Sheriff's Department.

65.08 FORFEITURES. Any person, corporation, or other entity which violates a provision of Ordinance O-04-2008-65 may be required to forfeit not more than \$200.00. Such forfeiture is in addition to the costs and expenses associated with impounding, storing, and disposing of a motor vehicle, trailer, semi-trailer or mobile home. No forfeiture may be imposed on the owner for a motor vehicle, trailer, semi-trailer or mobile home which was stolen.

65.09 DEFINITIONS. In this Ordinance O-04-2008-65 "owner" includes the lessee of a vehicle if the vehicle is registered or required to be registered by the lessee under Chapter 341.

Words and phrases defined under § Wis. Stats. are used in the same sense in the Ordinance O-04-2008-65 unless a different definition is specifically provided.

This Ordinance was approved by the Public Property and Law Enforcement Committee at their March 11, 2008 Committee meeting.

Dated at the City of Ashland, Wisconsin this 15th day of April, 2008

Reg Kerella

Helen Cretean

Bob Kelly

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