

ORDINANCE NO. 19

**STORAGE OF JUNK OR JUNKED, UNLICENSED,
OR ABANDONED MOTOR VEHICLES**

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No. 19 is hereby repealed and that the following is hereby created.

Section 1. Definitions.

- A. "Motor Vehicle" means a vehicle which is self-propelled, including, without enumeration, a trackless trolley bus, a snowmobile, and truck bodies, tractors, or trailers.
- B. "Junk" means old iron, glass, paper, cordage, refrigerators, furnaces, washing machines, stoves, machinery, or machinery parts, wood, bricks, cement blocks, or other unsightly debris or waste.
- C. "Junked Motor Vehicle" means any motor vehicle which is in such a physical or mechanical state as to be incapable of self-propulsion.
- D. "Unlicensed Motor Vehicle, Truck Body, Tractor or Trailer" means any motor vehicle, truck body, tractor, or trailer which does not bear lawful current registration plates issued by any State or Nation.

Section 2. Prohibition.

No person, firm, partnership, or corporation shall leave unattended any junked or unlicensed motor vehicle or any motor vehicle parts upon any street or upon any Town property. Nor shall any person, firm, partnership, or corporation store any junked motor vehicle, unlicensed motor vehicle, any motor vehicle parts, or any junk upon any private property outside of any building, unless expressly authorized to do so by the Town Police Chief, for any period in excess of 25 hours, and any such motor vehicle, motor vehicle parts, or junk left in excess of such period is deemed abandoned, constitutes a public nuisance and shall be dealt with under the provisions of Ordinance No. 45.

Section 3. Order for Compliance.

The Chief of Police may require by written order any premises in violation of this subsection and for which no permit has been issued to be put in compliance with the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

Section 4. Abandoned Vehicles.

- A. Vehicle Abandonment Prohibited: No person shall leave unattended any motor vehicle, trailer, semi-trailer, or mobile home on any public street or highway or public property 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 Town

street or highway or on any public or private property within the Town without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

- B. Removal and Impoundment of Abandoned Vehicles: Any vehicle in violation of this subsection shall be impounded until lawfully claimed or disposed of under Paragraph C; except if the Chief of Police, or his 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 by the Town prior to expiration of the impoundment period upon determination by the Chief of Police, or his authorized representative, that the vehicle is not wanted for evidence or any other reason.
- C. Disposal of Abandoned Vehicles:
 - 1. Vehicles Exceeding One Hundred (\$100.00) Dollars in Value.
 - a. If the Chief of Police, or his authorized representative, determines that the value of an abandoned vehicle exceeds One Hundred (\$100.00) 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 Town and may be reclaimed within 15 days upon payment of accrued towing, storage, and notice charges and if not so reclaimed shall be sold. See also Paragraph D.
 - b. If an abandoned vehicle exceeding One Hundred (\$100.00) Dollars in value is not reclaimed within the period and under the conditions provided in Subsection a. above, it may be sold at auction or by sealed bid. If no satisfactory bid is received, the vehicle may be sold at private sale.
 - c. After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid in to the Town Treasury.
 - 2. Vehicles of Less Than One Hundred (\$100.00) Dollars in Value: Any abandoned vehicle which is determined by the Chief of Police, or his authorized representative, to have a value of less than One Hundred (\$100.00) Dollars, may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- D. Owner Responsible for Impoundment and Sales 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, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the Town against the owner.

- E. Notice of Sale or Disposition: Within five (5) days after the sale or disposal of a vehicle as provided in Paragraph C, the Chief of Police, or his authorized representative, shall advise the State 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, and a copy shall be retained on file in the Town.

Section 5. Cost of Abatement.

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Section 6. Penalty Provisions.

- A. General Penalty: Except as otherwise provided, any person who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
1. First Offense: Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 2. Continued Violation: Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of the Ordinance.
 3. Execution Against Defendant's Property: Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any Court for violation of any Ordinance of the Town, the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

Section 7. Severability.

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Chairman and Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 8. Effective Date.

This Ordinance shall be effective from and after its adoption by the Town Board and upon posting a publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted the 17th day of May, 1999.

THE TOWN BOARD OF THE TOWN OF GENEVA,
WALWORTH COUNTY, WISCONSIN

Joseph F. Kopecky, Chairman (Signature on File)

Mary J. Van Lue, Supervisor (Signature on File)

Charlotte B. Peterson, Supervisor (Signature on File)

Robert J. McLernon, Supervisor (Signature on File)

Merle Loomer, Supervisor (Signature on File)

ATTEST:

Warren Schinke, Clerk (Signature on File)