

ORDINANCE NO. 49

ABANDONED PROPERTY

The Town Board of the Town of Geneva, Walworth County, Wisconsin, pursuant to Wisconsin Statutes Sections 342.40 and 66.28, does ordain Town of Geneva Ordinance No. 49 as follows:

Section 1.

No person shall leave unattended any motor vehicle, trailer, semi-trailer, mobile home, boat, snowmobile, tractor, or any other personal property on any public highway or private or public property, for such time and under such a circumstance as to cause the vehicle or property to reasonably appear to have been abandoned. Any vehicle left unattended for more than 48 hours without permission of the property owner shall be deemed abandoned.

Section 2.

Any vehicle or property in violation of this Ordinance shall be impounded by the Town Police Department until lawfully claimed or disposed of as set forth hereinafter, except that if the Chief of Police determines that the cost of towing and/or storage charges for the impoundment would exceed the value of the vehicle or property, the vehicle or property may be junked or disposed of by direct sale by the Chief of Police prior to expiration of the impoundment period upon his determination that the vehicle or property is not stolen or otherwise wanted for evidence or other reason.

Section 3.

Any Town of Geneva Police Officer who discovers any motor vehicle, trailer, semi-trailer, mobile home, boat, snowmobile, tractor, or any other abandoned property on any public highway or private or public property which has been abandoned shall cause the vehicle or property to be removed to a suitable place of impoundment designated by the Chief of Police.

Section 4.

The owner of any abandoned property, except stolen property, is responsible for the abandonment and all costs of impounding and disposing of the property. Costs not recovered from the sale of the property may be recovered in a civil action by the Town of Geneva against the owner.

Section 5.

Any vehicle which is deemed abandoned by the Chief of Police, and which is deemed to have a value in excess of One Hundred (\$100.00) Dollars shall be retained in storage for a period of 10 days after certified mail notice has been sent to the owner and lien holder of record, if determinable, to permit reclamation of the vehicle after payment of accrued charges. Said 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 provision 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 vehicle may be sold or

disposed of by sealed bid or auction sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate in which event all bids may be rejected. If all bids are rejected, the Chief of Police, or his duly authorized representative, may either re-advertise for sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the vehicle. Public notice of the sale shall be posted at the Town Hall. The posting of the notice shall be in the same manner as the certified mail notice sent to the owner or lien holders of record if determinable. Upon sale, the Town shall supply the purchaser with a completed form designed by the Department of Transportation of the State of Wisconsin enabling the purchaser to obtain regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee as established by the Chief of Police for each day the vehicle remains in storage after the second business day following 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. Within five (5) days after the sale or disposal of the vehicle, the Town shall advise the Department of Transportation of the sale by a form supplied by the Department of Transportation.

Section 6.

Any abandoned vehicle which is determined by the Chief of Police, or his duly authorized representative, to have a value less than One Hundred (\$100.00) may be junked or disposed of by direct sale by the Chief of Police upon determination that the vehicle is not reported stolen.

Section 7.

Any personal property other than vehicles deemed to be abandoned which remains unclaimed for a period of thirty (30) days after the taking of possession of the property by the Town officers, may be disposed of by the Chief of Police or his duly authorized representative by any means determined to be in the best interest of the Town, including, without enumeration, giving said property away, junking said property with a salvage yard, or depositing same in the Town dump. If it is not disposed of in a sale open to the public, the Chief of Police shall maintain an inventory of said property, a record of the date and disposal including the consideration received for the property, if any, and the name and address of the person taking possession of the property. Such inventory shall be kept as a public record for a period of not less than two (2) years from the date of the disposal of the property. Disposal shall be by public auction unless determined by the Chief of Police to be burdensome or costly for the nature of the property included, and in such event such property may be disposed of by junking. If the property is sold at auction, all receipts from sale, after deducting necessary expenses of keeping the property, shall be paid to the Town Treasurer.

Section 8.

In addition to costs of disposal of property or the holding of same as above set forth, any person, firm, or corporation who violates the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months.

Section 9.

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 they 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 10.

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

Adopted the 5th day of April, 1993.

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

Richard Ploch, Chairman (Signature on File)

Kenneth W. Piantino, Supervisor (Signature on File)

ATTEST:

Phyllis Schinke, Clerk (Signature on File)