

TOWN OF MENTOR

CLARK COUNTY, WISCONSIN

AMENDMENT TO ORDINANCE #113

**THE TOWN BOARD OF THE TOWN OF MENTOR, CLARK COUNTY, WISCONSIN,
DOES HEREBY ORDAIN AS FOLLOWS:**

Ordinance #113 for the Town of Mentor is hereby deleted in its entirety and replaced as follows:

Regulation of Abandoned, Junk, and Inoperable Vehicles

Section One. Prohibited.

No person shall leave unattended or place any motor vehicle, trailer, semi-trailer, mobile home or parts thereof, hereafter inclusively referred to as "vehicle", on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned or junked.

- A. A vehicle shall be deemed abandoned whenever any of the following exist:
1. It is left unattended on any Town highway without the permission of the Town Board, or on any public property within the Town limits for a period in excess of forty-eight (48) hours. At the discretion of the Town Board, this situation may be addressed by issuing parking citations pursuant to Sec. 346.55(1), Wis. Stats. Removal of violating vehicles is the responsibility of the property owner; or
 2. It is left unattended on private property without the permission of the property owner for more than forty-eight (48) hours. At the discretion of the Town Board, this situation may be addressed by issuing parking citations pursuant to Sec. 346.55(3), Wis. Stats. Removal of violating vehicles is the responsibility of the property owner; or
 3. It is disabled in a manner and to an extent that it cannot legally be operated on public roadways including, but not limited to, mechanical problems or lack of current license, registration or insurance; or
 4. It reasonably appears abandoned to a Town law enforcement officer; or
 5. While in the possession of the Town, it is left unclaimed ten (10) days after notice by certified mail to any known owner or lienholder.
- B. A motor vehicle shall not be considered abandoned whenever:

1. It is out of ordinary public view in an enclosed area. Vehicle covers, tarps, plastic sheets, or similar coverings do not satisfy this requirement. "Enclosed area" is further defined as: inside a building or behind a nontransparent fenced area and out of the public view;
2. The private property on which it is situated is in the primary business of the sale, repair, towing, or salvage of vehicles; however, no individual motor vehicle shall be parked, placed, or left standing on any private property for a period of in excess of four (4) weeks in succession.
3. It is a seasonal or recreational vehicle in off season storage and it is operable and registered.

Section 2. Removal.

Any vehicle in violation of this Ordinance may be removed and impounded until lawfully claimed or disposed of under Section 3.

- A. **Vehicles on Public Property.** A notice stating the date of issuance and the violation of the abandoned vehicle ordinance shall be conspicuously placed on the vehicle. If the vehicle is not in compliance within five days, the vehicle may be impounded.
- B. **Vehicles on Private Property.** The landowner, occupant/tenant and vehicle owner, if readily available, shall be issued a notice, either personally, by regular mail or by leaving it conspicuously on the property, stating the date of issuance and the violation of the abandoned vehicle ordinance. If the vehicle is not in compliance after five days, a citation may be issued. The landowner, occupant/tenant of the property and vehicle owner have co-responsibility for compliance with this Ordinance. Upon finding of the circuit court that the vehicle is in violation of this Ordinance, it may be impounded.
- C. **Junk Vehicles.** If it is deemed by the Town's law enforcement officer or his or her designee that the cost of towing and storage of the vehicle would exceed the value of the vehicle and that the vehicle is not stolen or otherwise wanted for evidence or other reason, the vehicle may be junked or sold prior to the expiration of the impoundment period.

Section 3. Disposal.

Vehicles impounded shall be disposed of as follows if not claimed by a lawful owner or lienholder after due notice.

- A. Storage. Any vehicle removed and not junked under Section 2 shall be retained in storage for a minimum period of ten (10) days after notice to owner and lienholders of record.
- B. Notice. Notice shall be by certified mail to the owner and lienholders of record to permit reclamation after payment of accrued charges. Such notice shall set forth the year, make, model, VIN number, and where the vehicle is being held. The notice shall state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle under this chapter shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle.
- C. Sale or Disposal. Each retained vehicle not reclaimed by its owner or lienholder may be sold or otherwise disposed. Sale or disposal shall be at the discretion of the Sheriff or Town Chairperson or his or her designee and shall be conducted pursuant to then applicable Town policy and procedures.

Section 4. Forfeiture and costs.

Any person who violates this Ordinance shall, upon conviction, be subject to a forfeiture of not less than \$50 nor more than \$200 for the initial offense and is further responsible for all reasonable costs of impounding and disposing of the vehicle, if necessary. Failure of the owner to reclaim a vehicle after the passage of each successive ten (10) day period next following the first ten (10) days after impoundment and notice of its impoundment shall constitute a separate vehicle offense. Costs not recovered from the sale of the vehicle may be recovered against the vehicle owner or landowner in addition to any applicable forfeiture and may be entered as a special charge on the tax roll for real estate owned by the owner of the vehicle and located in the Town if left unpaid pursuant to §66.0627, Wis. Stats. For vehicles reclaimed, all costs of impounding the vehicle must be paid by the owner or lienholder prior to release of the vehicle. Neither forfeiture nor costs shall be imposed on owners of vehicles that have been stolen.

This ordinance shall take effect upon its adoption and publication/posting as required by law.

Adopted this 12 day of Sept, 2017

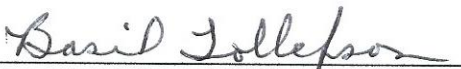
By the Town Board of Mentor, Clark County, Wisconsin



Tim Gile, Chairperson

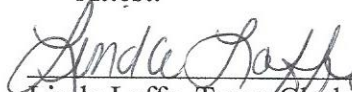


Carol Johnson, Supervisor



Basil Tollefson, Supervisor

Attest:



Linda Laffe, Town Clerk