

**TOWN OF ROCK  
ORDINANCE # 943**

**AN ORDINANCE TO REGULATE THE STORAGE OF ABANDONED, DISABLED AND UNLICENSED VEHICLES AND EQUIPMENT ON PUBLIC AND PRIVATE PROPERTY.**

**WHEREAS, in the Town of Rock, County of Rock, State of Wisconsin, vehicles and equipment are or may in the future be abandoned in the streets and other places in the township, and**

**WHEREAS, there are or may in the future be dismantled, partially dismantled, wrecked, junked, non-operable, unlicensed or discarded vehicles or equipment left about the township other than in junk yards or appropriate places; and**

**WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety or health hazards to children, as well as adults; interfere with the comfort and well-being of the public; create, extend and aggravate urban blight; and constitute a public nuisance; and**

**WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated or prohibited;**

**NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, DOES ORDAIN AS FOLLOWS:**

**ORDINANCE NUMBER 943 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:**

**CONTROL OF ABANDONED, DISABLED AND UNLICENSED VEHICLES AND EQUIPMENT ON PUBLIC AND PRIVATE PROPERTY.**

**SECTION I: Definitions. In this ordinance, the following definitions shall be applicable:**

**A. "Vehicles and Equipment" means any motor vehicles, including but not limited to automobiles, trucks, buses and motorcycles, and any machinery, equipment, trailers, semi-trailers and mobile homes.**

**B. "Abandoned Vehicles and Equipment" means any vehicles and equipment which remains in one location on public property for more than forty-eight (48) hours. Also included is any vehicles and equipment which remains in one location on private property without any permission of the occupant of the private property for more than one (1) hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.**

C. "Nonoperable Vehicles and Equipment" means any vehicles and equipment or any substantial part or parts thereof which is incapable of being operated.

D. "Unlicensed Vehicles and Equipment" means any vehicles and equipment subject to a license law which does not have affixed thereto a current license under the applicable licensing law.

**SECTION II: Prohibition of Abandoned, Disabled and Unlicensed Vehicles and Equipment.**

No person who owns or possesses or has custody of any vehicles or equipment shall allow the same or any substantial part thereof to become an abandoned vehicle or equipment. No person, being the owner or occupant of private property, shall allow any unlicensed vehicles and equipment or any nonoperable vehicles and equipment to remain on such private property longer than ten (10) days after notification thereof by the Town Board or any person duly-appointed by the Town Board to give such notice. Notification under this section may be accomplished by placing a notice in a conspicuous place on the vehicle or equipment, setting forth briefly the applicable provisions of this section and the date of the notice, or by sending a registered or certified letter, return receipt requested, to the owner or occupant of the premises on which the vehicle or equipment is sitting.

Such allowance is a public nuisance and may be abated or removed and penalties imposed as set forth in this ordinance. Any such vehicle or equipment may be disposed of as outlined in this ordinance.

**SECTION III: Exemptions.**

This ordinance shall not apply with regard to any vehicles or equipment in an enclosed building; any vehicles or equipment on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or any vehicles or equipment in an appropriate storage place of depository maintained in a lawful place and manner by the Town of Rock.

**SECTION IV: Impounding and Junking.**

Any member of the Town Board or any person duly appointed by the Town Board is hereby authorized to remove or have removed any vehicle or equipment left in a place within the Town of Rock which reasonably appears to be in violation of Sections I and/or II herein. Such vehicle or equipment which is determined by a duly appointed town representative to have a value in excess of the cost of towing and estimated storage charges for the impoundment thereof shall be impounded until lawfully claimed or disposed of in accordance with Section V hereof. If it is deemed by a duly appointed town representative that the cost of towing and storage charges for the impoundment of any vehicle or equipment would exceed the value of the vehicle or equipment, the vehicle or equipment may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle or equipment is not stolen or otherwise wanted for

evidence or other reason.

**SECTION V: Disposal of Unclaimed Vehicles or Equipment.**

At any time prior to the sale of impounded vehicles or equipment as herein provided, any person establishing his ownership or right of possession of such vehicles or equipment may reclaim and obtain possession of the same by paying to the Town Board of the Town of Rock all accrued charges for the towing and storage thereof and other expenses incident to the care of the same. Any impounded vehicles or equipment 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 vehicles or equipment after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the impounded vehicles or equipment, the place where the vehicles or equipment 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 right to reclaim the vehicle or equipment under this section shall be deemed a waiver of all right, title, and interest in the vehicle or equipment and a consent to the sale of the vehicle or equipment. Each retained vehicle or equipment not reclaimed by its owner or lien holder may be sold by the Town Board or anyone appointed by them at public auction. Notice of such sale shall be published in the official newspaper of the Town of Rock. The notice shall be published for two (2) days and the notice may include one or more vehicles or equipment. At such sale the highest bid for any such vehicle or equipment shall be accepted, unless the same is, in the judgment of the person conducting the sale, inadequate, in which event all bids may be rejected. In case all bids are rejected or no bid is received, the Town Board may in its discretion either readvertise the sale or adjourn the same from time to time to a definite date each time or sell such vehicle or equipment at a private sale or junk the same. After deducting the reasonable and necessary expenses incident to the towing, storage and sale of any vehicle or equipment, the balance of the proceeds shall be paid to the town treasurer and credited to the general fund.

The sale of a vehicle or equipment under the provisions of this section shall forever bar all prior claims thereto and interest therein, except as hereinafter provided.

At any time within two (2) years after the sale of a vehicle or equipment as provided herein, any person claiming ownership of such vehicle or equipment or financial interest therein may present a claim to the Town Board setting forth such facts as are necessary to establish such ownership or interest. If the Town Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the town treasury as a result of the sale of such vehicle or equipment nor the amount of the interest of the claimant therein.

**SECTION VI: Procedure.**

Any person claiming to be aggrieved or damaged by a violation of this ordinance, or having knowledge of a violation of this ordinance, or any part thereof, shall have the responsibility of filing a sworn complaint with the town clerk, specifying in detail the

damage and violations under this ordinance. Said clerk shall refer said complaint to the Town Board for investigation and such action as the merits of the complaint may warrant.

When a complaint has been filed with the Town Board, said Board shall cause an investigation to be made, either by themselves or by a duly-appointed and qualified person to make such an investigation and report in writing to said Town Board their findings in order that said Town Board can make the determination as to whether or not there has been a violation of this ordinance. Upon such investigation and report and findings by the Town Board, if in their opinion there has been a violation, the Town Board may start proper proceedings under this ordinance.

Any member of the Town Board or any person duly appointed by the Town Board to enforce this ordinance may, acting without complaint, commence proceedings under this ordinance for any violations of which they have knowledge.

**SECTION VII: Penalties.**

Any person convicted of a violation of this ordinance is subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) together with costs of prosecution and the costs of removal, storage and sale of the vehicles and/or equipment as provided in this ordinance. Each day a violation exists or continues shall constitute a separate offense. In default of payment, the violator shall be imprisoned in the county jail until such fine and costs are paid, such imprisonment not to exceed ninety (90) days.

**SECTION VIII: Lien.**

It shall be lawful for the Town Board in all cases where they shall deem it necessary under this ordinance, to cause any vehicles or equipment to be removed, impounded, and disposed of, at township expense, in accordance with the terms of this ordinance, and the sum or sums so expended in the abatement, removal or disposal of said vehicles or equipment in such cases shall be a lien, in the same manner as any tax upon real estate, upon the lots or premises from or upon which such vehicles or equipment shall be removed; the town clerk shall certify to the town treasurer the description of such property, and the cost of abating, removing and disposing of such vehicle or equipment thereon and the treasurer shall include the same in the annual schedule of land subject to special taxation; and payment thereof shall be enforced in like manner as other special taxes upon real estate levied and collected in the town.

**SECTION IX: Validity.**

If any provision of this ordinance, or any subdivision thereunder, shall be declared to be unlawful or unconstitutional at any time, it shall be deemed separable from the balance of the ordinance and shall not affect the lawfulness or constitutionality of the remaining sections or sub-paragraphs.

SECTION X: Effective Date.

This ordinance shall take effect and be in full force from and after its passage and publication as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 1st day of August, 1994.

TOWN OF ROCK

By: Richard M. O'Leary  
Town Chairman

By: Ralph J. Cuh  
Town Supervisor

By: James Connell  
Town Supervisor

ATTEST:

Deborah Bennett  
Town Clerk

CERTIFICATION

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 1st day of August, 1994, and that on the 5th day of August, 1994, a copy of the above ordinance was published in \_\_\_\_\_, the official newspaper of the Town of Rock.

Deborah Bennett  
Town Clerk, Town of Rock  
Rock County, Wisconsin

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Notary Public, Rock County, Wis.  
My Commission: \_\_\_\_\_