

Ordinance 2023-08

An Ordinance (A Local Law) to Amend the Code of the County of Price by Deleting and Repealing Chapter 469 Thereof Entitled, “Vehicles, Abandoned”, and Adding a New Article VI Thereof Entitled “Abandoned motor vehicles” in Chapter 473 Thereof Entitled “Vehicles and Traffic”.

Be it ordained (enacted) by the Price County Board of Supervisors as follows:

Section 1. The Code of the County of Price is hereby amended by deleting and repealing Chapter 469, Licenses Vehicles, Abandoned.

Section 2. The Code of the County of Price is hereby amended by adding the new Article VI to Chapter 473 to replace Chapter 469 hereinabove repealed, to be Chapter 473, Vehicles and Traffic, Article VI Abandoned motor vehicles to read as follows:

Chapter 473. Vehicles and Traffic

Article VI Abandoned Motor Vehicles

§ 473-23. **Definitions.** As used in this article, the following terms shall have the meanings indicated:

ABANDONED VEHICLE

Any vehicle that has been left unattended on any road or highway in the County of Price or upon public or private property without the permission of the owner or other person charged with the lawful jurisdiction thereof for more than 48 hours.

ROAD

Any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for the purpose of vehicular traffic.

TOWING AGENCY

Any towing agency authorized by the County of Price to tow vehicles on the County's behalf.

UNATTENDED

Unmoved from its location with no obvious sign of continuous human use. For purposes of this article, a vehicle shall be presumed unattended if it is found in the same position 48 hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said 48 hours.

VEHICLE

Any vehicle which is self-propelled, including a motor vehicle as defined in the Wisconsin Statutes, and also means every device in, upon, or by which any person or property is or may be transported, and every type of equipment on wheels, including farm machinery, whether or not such vehicle is registered under Wisconsin law.

§ 473-24. Abandonment of vehicles on road or highways prohibited.

No person shall leave unattended any vehicle on any public road or highway or private or public property in the County of Price for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

§ 473-25. Exceptions. This section shall not apply to:

A. A vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk

or junked vehicles and fully in compliance with County zoning regulations or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

- B. Any vehicle left unattended for more than 48 hours on any public road or public ground when designated as not abandoned by the Sheriff's Department.

§ 473-26. Emergency removal.

- A. Every sworn member of the Sheriff's Department is hereby authorized to remove or have removed any vehicle whose location or existence jeopardizes public safety by either creating an unsafe condition or by significantly hindering the efficient movement of traffic.
- B. Any vehicle that has been removed for this purpose and remains unclaimed for 10 (ten) days at the impoundment site after certified mail notice has been sent to the owner and lienholders of record shall be considered abandoned and shall be dealt with according to the provisions of this article.

§ 473-27. Removal, impounding and storage of motor vehicles.

- A. Authority to remove or impound.

- 1) Abandoned vehicles.

- i. Every sworn member of the Sheriff's Department is hereby authorized to remove or to have removed any abandoned, wrecked, inoperative, junked, dismantled, or partially dismantled vehicle left at any place within the County of Price which reasonably appears to be in violation of this article or to be lost, stolen, or unclaimed.
 - ii. Any County law enforcement officer who discovers any such vehicle on any public road or highway or private or public property in the County of Price may cause the vehicle to be removed to an impoundment location until lawfully claimed or disposed of in accordance with this article and the procedures of the Sheriff's Department.

- B. Prior to having the vehicle towed, the Sheriff's Department shall determine whether the vehicle is lost, stolen or unclaimed.

- 1) Vehicles which are determined to be stolen or needed for investigation shall be towed to the County's impound lot, and a fee for towing shall be paid to the towing agency. They shall be held until such time as the Sheriff's Department determines they may be disposed of pursuant to this section or pursuant to state or federal law.
 - 2) Vehicles which are not stolen or needed for investigation shall be towed to the County's impound lot, and a fee for towing shall be paid to the towing agency. Such vehicles shall be disposed of pursuant to § 473-29A.

§ 473-28. Storage, notice and reclaiming of abandoned and/or unregistered vehicles.

- A. Storage and reclaiming. Any vehicle which is determined by the Sheriff's Department to be abandoned shall be retained in storage for a period of 10 (ten) days after the Sheriff's Department sends a certified mail notice to the owner and lienholders of record. A fee in an amount set by the County Board for storage of an impounded vehicle shall be charged. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including any forfeiture imposed for the violation of this article, towing, storage, and notice charges, and upon presentation of the vehicle title or other satisfactory evidence to the

Sheriff's Department to prove ownership or secured party interest in said vehicle. In the case of unregistered vehicles, satisfactory evidence that the vehicle is currently registered, or that an application for registration (including satisfactory emissions inspections) and the applicable fee has been delivered or mailed to the Department of Motor Vehicles, or that the vehicle is exempt from registration, must be presented.

- B. Notice to owner or secured party. Certified mail notice, as referred to herein, shall be made by the Sheriff's Department and shall notify the owner and lienholders of record of the following:
- 1) That the vehicle has been deemed abandoned or unregistered and impounded by the County of Price, giving the year, make, model, and serial number of the vehicle and where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle.
 - 2) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage, and notice charges, within 10 (ten) days of the date of notice.
 - 3) That the failure of the owner or lienholders 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 lienholder may be disposed of under this section.

§ 473-29. Disposal of abandoned and/or unregistered vehicles.

- A. Any vehicle impounded by the County may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class 1 notice, including the description of the vehicle, the name(s) and address(es) of the titled owner and secured party of record, if known, and the time of sale, shall be published before the sale. Any interested person may offer bids on each vehicle to be sold. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the County Sheriff or his designee, in which event all bids may be rejected. If all bids are rejected or no bid is received, the County may either readvertise the sale, adjourn the sale to a definite date, sell the vehicle at a private sale or junk the vehicle.
- B. When any vehicle is to be sold pursuant to Subsection **A**, a public notice shall be posted at the Sheriff's Department and at the County Courthouse. The posting of the notice shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Any listing of vehicles to be sold by the County shall be made available to any interested person or organization who or which makes a written request for such list to the County Sheriff or his designee.
- C. Upon sale of a vehicle pursuant to Subsection **A**, the County shall provide the purchaser with a completed seized/abandoned/unregistered vehicle transfer certificate enabling the purchaser to obtain a regular certificate of title for the vehicle.
- D. The purchaser shall have 10 (ten) days to remove the vehicle from the storage area but shall pay the storage fee set forth in § 473.28A for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten 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.

§ 473-30. Report of sale or disposal.

Within five days after the direct sale or disposal of a vehicle as provided for herein, the County Sheriff or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle.

§ 473-31. **Owner responsible for impoundment and disposal costs.**

- A. The owner of any abandoned vehicle is responsible for the ordinance violation and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the County against the owner.
- B. Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

§ 473-32. **Violation and penalties.**

Anyone causing, creating or maintaining a violation of this article shall be subject to a forfeiture as provided in **Chapter 290** of the County Code, together with cost of prosecution.

Section 2. Effective date.

This ordinance shall be effective as of date of publication.

Submitted by the Law Enforcement Committee:

Larry Palecek, Chair

Doug Erickson

Brian Ernst

Robert Kopisch

Ginny Strobl

Reviewed by County Administrator:

Nicholas Trimmer

Adopted by the Price County Board of Supervisors this 14th day of November 2023.

Alan Barkstrom, County Board Chair

Jean Gottwald, County Clerk

For _____ Against _____