

TOWN OF HARMONY

**CHAPTER 4 OF THE MUNICIPAL CODE
OF THE TOWN OF HARMONY, WISCONSIN**

**STORAGE OF ABANDONED, DISABLED, AND UNLICENSED
VEHICLES AND EQUIPMENT**

SECTION 1: DEFINITIONS

In this Chapter, the following definitions shall be applicable:

- (1) “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.
- (2) “Abandoned Vehicles and Equipment” means any vehicles and equipment which remain in one location on public property for more than 48 hours. Also included are any vehicles and equipment which remain in one location on private property for more than 1 hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.
- (3) “Inoperable Vehicles and Equipment” means any vehicles and equipment or any substantial part or parts thereof which are incapable of being operated.
- (4) “Unlicensed Vehicles and Equipment” means any vehicles and equipment subject to a license law which do not have affixed thereto a current license under the applicable licensing law.

**SECTION 2: PROHIBITION OF ABANDONED, DISABLED, AND UNLICENSED
VEHICLES AND EQUIPMENT**

- (1) 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.
- (2) No person, being the owner or occupant of private property, shall allow any unlicensed vehicles and equipment or any inoperable vehicles and equipment to remain on such private property longer than 10 days after notification thereof by the Town Board or any person duly appointed by the Town Board to give such notice.
- (3) 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.

- (4) Such allowance under (1) or (2) constitutes a public nuisance and may be abated or removed and penalties imposed as set forth in this Chapter. Any such vehicle or equipment may be disposed of as outlined in this Chapter.

SECTION 3: EXEMPTIONS

This Chapter shall not apply to the following:

- (1) Any vehicles or equipment in an enclosed building;
- (2) Any vehicles or equipment on the premises of a business enterprise lawfully engaged in the business of repairing such vehicles or equipment, provided that such vehicles or equipment are kept on the premises only for such time as is reasonably necessary to repair the same;
- (3) Semi-trailer boxes and truck boxes that were in place and in use at their present location on or before November 4, 2002, provided that
 - (A) Any such box is placed on a concrete or asphalt slab or gravel surface; and
 - (B) The wheels, running gear, and suspension of such box have been removed on or before November 4, 2003; and
 - (C) Any such box is used solely by the land owner or tenant of the parcel and is not rented out to persons or entities other than the tenant occupying the parcel; and
 - (D) Any such box meets all setback requirements that would apply to it under the Zoning Ordinance. (A box that was in place but does not meet such setback requirements on November 4, 2002, may be moved so as to comply with such setback requirements, provided that it meets all other tests set forth above.)
- (4) Semi-trailer boxes and truck boxes that were not in place on or before November 4, 2002, provided that
 - (A) Any such box is used only for storage; and
 - (B) The wheels, running gear, and suspension of such box have been removed; and
 - (C) Any such box is placed on a concrete or asphalt slab or gravel surface; and

- (D) Any such box is not located in a residential zone; and
- (E) The total number of boxes does not exceed one per parcel unless the Planning and Zoning Committee allows additional boxes by conditional use permit, not to exceed one box for each full acre of the area of the lot; and
- (F) Any such box is used solely by the land owner or tenant of the parcel and is not rented out to persons or entities other than the tenant occupying the parcel; and
- (G) Any such box meets all setback requirements that would apply to it as a structure under the Zoning Ordinance.

(Amended by Ordinance 110402B)

SECTION 4: 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 Harmony which reasonably appears to be in violation of Section 2 herein, in accordance with the following:

- (1) Any vehicle or equipment which is determined by a duly-appointed town representative to have a value in excess of the towing and estimated storage charges for the impoundment thereof shall be impounded until lawfully claimed or disposed of in accordance with Section 5.
- (2) If it is determined by a duly authorized town representative that the towing and storage charges for the impoundment of any vehicle or equipment would exceed the value of such 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 5: DISPOSAL OF UNCLAIMED VEHICLES OR EQUIPMENT

Disposal of unclaimed vehicles or equipment shall proceed as follows:

- (1) At any time prior to the sale of impounded vehicles or equipment as herein provided, any person establishing his or her ownership or right of possession of such a vehicle or equipment may reclaim and obtain possession of it by reimbursing the Town Board in full for all towing, storage, and other expenses incurred in caring for the vehicle or equipment.
- (2) Any impounded vehicle or equipment shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lien holders of record, in order to permit reclamation of the vehicle or equipment as described herein.

- (3) Such notice shall set forth the year, make, model, and serial number or vehicle identification number (VIN) of the impounded vehicle or equipment, the place where it is being held, and shall inform the owner and any lien holders of their right to reclaim it. The notice shall state that the failure of the owner or lien holders to exercise their reclamation rights under this section shall be deemed a waiver of all right, title, and interest in the vehicle or equipment.
- (4) Retained vehicles or equipment not reclaimed by their owners or lien holders 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 Harmony. Such notice shall be published for 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 such bid is, in the judgment of the person conducting the sale, inadequate, in which case 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, adjourn the sale multiple times to future, definite dates, sell the vehicle or equipment at a private sale, or junk it. 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.
- (5) 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.
- (6) At any time within 2 years after the sale of a vehicle or equipment as provided herein, any person claiming ownership or 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 claim, 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 6: PROCEDURE

The provisions of this Chapter shall be enforced as follows:

- (1) Any person claiming to be aggrieved or damaged by a violation of this Chapter or having knowledge of a violation of this Chapter 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 Chapter. The Town Clerk shall refer the complaint to the Town Board for investigation and such action as the merits of the complaint may warrant.

- (2) Once a complaint has been filed with the Town Board, the Board shall initiate an investigation, either by themselves or by a duly-appointed and qualified person. Such person shall investigate the complaint and report his or her findings in writing to the Town Board, so that the Town Board can determine whether there has been a violation of this Chapter. If, based on the investigation, report, and findings, the Town Board determines that there has been a violation, it may initiate proper proceedings under this Chapter.
- (3) Any member of the Town Board or any person duly appointed by the Town Board to enforce this Chapter may, acting without complaint, commence proceedings under this Chapter for any violations of which they have knowledge.

SECTION 7: PENALTIES

Any person convicted of a violation of this Chapter shall be subject to a fine of not less than \$50 nor more than \$200, together with the costs of prosecution and the costs of removal, storage, and sale of the vehicles and/or equipment as provided in this Chapter. 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 90 days.

SECTION 8: LIEN

It shall be lawful for the Town Board in all cases where they shall deem it necessary under this Chapter to cause any vehicles or equipment to be removed, impounded, and disposed of, at the expense of the town, in accordance with the terms of this Chapter. The sum or sums so expended in the abatement, removal, or disposal of said vehicle 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 were 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. Payment of the lien shall be enforced in the same manner as other special taxes upon real estate levied and collected in the town.

SECTION 9: SEVERABILITY

Should any portion of this Chapter be declared to be unlawful or unconstitutional at any time, it shall be deemed severable from the rest of the Chapter and shall not affect the lawfulness or constitutionality of the remainder of the Chapter.

(Chapter Created by Ordinances 8789 and 4599)