

302.1 Abandoned Vehicles; Removal & Disposal Ordinance

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SECTION I – PURPOSE

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property within the Town of Berry for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

SECTION II – DEFINITION

Except as otherwise provided in this subsection, whenever any vehicle has been left unattended without the permission of the property owner for more than forty-eight hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view and is enclosed within a building, or when designated as not abandoned by duly-authorized town official pursuant to town ordinance.

SECTION III – VIOLATION

- A. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under Section IV, except that if it is deemed by a duly-authorized town representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the town prior to expiration of the impoundment period upon determination by the Sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen model years of age shall be disposed of in accordance with Section IV.
- B. This section shall not apply to 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 applicable zoning regulations.

SECTION IV – AUTHORIZATION

The Town Chairperson, or upon his/her authorization, any other member of the Town Board or the Town Clerk shall be authorized town representative to make all determinations required by this ordinance

- A. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the town against the owner.
- B. In addition to the payment of the costs of impounding as required by Section IV hereof, the owner of any abandoned vehicle, except a stolen vehicle, shall be required to pay to the town a forfeiture in the amount of \$50 for street storage.

- C. In addition to the provisions contained herein, all of the provision of Wisconsin Statute 342.40 are hereby incorporated in this ordinance, except as may be inconsistent with any of the forgoing provisions.

SECTION V – EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 18th day of March, 2019

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Brenda Kahl, Clerk/Treasurer
Jeff Davis, Supervisor
Joe Kruchten, Supervisor

Anthony Varda, Chairperson
Michael Statz, Supervisor
Duane Haag, Supervisor