

AN ORDINANCE PROHIBITING THE STORAGE OF NON-REGISTERED  
OR ABANDONED VEHICLES IN THE TOWN OF PLYMOUTH

The Town Board of the Town of Plymouth do ordain as follows:

a) Non-registered Motor Vehicle Storage Prohibited. No person owning or having custody of any motor vehicle that does not have valid current registration shall allow such vehicle to remain on any public street or grounds longer than 48 hours or upon private property longer than ten (10) days after notification thereof by the Town Constable or Town Board. Notification shall be accomplished by placing in a conspicuous place on the vehicle a dated notice, which shall be red in color, and by mailing or serving upon the owner or occupant in charge of the premises a dated written notice bearing the same date as the red notice setting forth briefly the applicable provisions of this subsection. The red notice shall read as follows: "WARNING. This vehicle is declared to be a public nuisance if not removed and it may be removed and disposed of by the Town of Plymouth all as provided in the Code of General Ordinances of the Town of Plymouth. You must remove the vehicle from this location so as to make it in compliance with local Ordinance within \_\_\_\_\_ hours/days." Any vehicle so tagged which is not removed within 48 hours if upon any public street or grounds or within ten (10) days if upon private property is declared to be a public nuisance and may be removed and disposed of as provided in this Ordinance.

No person, after notification to remove any abandoned or non-registered motor vehicle from any private property has been given pursuant to this section, shall move the same to any other private

property upon which such storage is not permitted or onto any public highway or other public property so as to again make the vehicle in violation of this Ordinance. Whenever the Town Constable or Town Board shall find or be notified that any such vehicle has been so removed, the time periods as originally provided for herein as applicable to the first location of the subject vehicle which first required the dated notice shall continue to apply notwithstanding such removal. In addition, such removal is a separate offense under this Ordinance.

b) Exemptions. Subsection (a) shall not apply to a motor vehicle in an enclosed building; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Code of Ordinances of the Town of Plymouth.

c) Definitions. As used in this Ordinance:

1. "Vehicle" or "Motor Vehicle" means a motor vehicle, motor truck automobile, motor bus, stationwagon, truck tractor or semi-trailer but does not mean a motor home, trailer or snowmobile, all as defined in relevant sections of the State Statutes which are adopted by reference herein, whether or not the vehicle is registered under Chapter 341, Wis. Stats.

d) Abandonment of Vehicles Prohibited. No person shall abandon any vehicle unattended within the Town of Plymouth for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

e) Presumption of Abandonment. Any vehicle left unattended for more than 48 hours on any public street or grounds, or for more than ten (10) days on private property is deemed abandoned and

constitutes a public nuisance after notification thereof by the Town Constable or Town Board; provided that the vehicle shall not be deemed abandoned under this Section if left unattended on private property out of public view, by permission of the owner or lessee. Notification shall be accomplished by placing in a conspicuous place on the vehicle a dated notice, which shall be red in color, and by mailing or serving upon the owner or occupant in charge of the premises a dated written notice bearing the same date as the red notice setting forth briefly the applicable provisions of this subsection. The red notice shall contain the following notice: "WARNING. This vehicle is deemed abandoned and constitutes a public nuisance, and if not removed, it may be removed and disposed of by the Town of Plymouth as provided in the Code of General Ordinances of the Town of Plymouth. You must remove the vehicle from this location so as to make it in compliance with local Ordinance within \_\_\_\_hours/days." Any vehicle so tagged which is not removed within 48 hours if upon any public street or grounds or within ten (10) days if upon private property is declared to be a public nuisance and may be removed and disposed of as provided in this Ordinance.

No person, after notification to remove any abandoned or non-registered motor vehicle from any private property has been given pursuant to this section, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property so as to again make the vehicle in violation of this Ordinance. Whenever the Town Constable or Town Board shall find or be notified that any such

vehicle have been so removed, the time periods as originally provided for herein as applicable to the first location of the subject vehicle which first required the dated notice shall continue to apply notwithstanding such removal. In addition, such removal is a separate offense under this Ordinance.

f) Exceptions. Subsection (e) shall not apply to a vehicle in an enclosed building; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Code of Ordinances of the Town of Plymouth.

g) Removal and Impoundment or Sale. Any vehicle found in violation of this Ordinance and deemed a public nuisance pursuant to this ordinance shall be impounded by the Town of Plymouth until lawfully claimed or disposed of as provided in this Section. If the Town Constable or Town Board or its duly authorized representative determines that towing costs and storage charges for the ten (10) days, see Section (h), would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Township that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with Section (j) of this Section.

h) Minimum Impoundment Period. The minimum period of impoundment or storage of a vehicle found in violation of this Section shall be ten (10) days.

i) Notice to Owner. The Town official removing or causing the removal of any vehicle found in violation of this Section shall

immediately notify the Town Constable or Town Board of the abandonment and location of the impounded vehicle, and shall as soon as practicable but not more than ten (10) days thereafter notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

j) Sale. Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in Section 342.40(3), Wis. Stats.

k) Sale to Bar Claims Against Vehicle. The sale of a motor vehicle under the provisions of this Section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

l) Purchaser to Remove Vehicle. The purchaser of any vehicle on sealed bid or auction sale under Section (j) shall have ten (10) days to remove the vehicle from the storage area upon payment of a storage fee of Ten (\$10) Dollars for each day the vehicle has remained 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 again sold.

m) Request for List. Any listing of vehicles to be sold pursuant to this Section shall be made available by the Town Clerk

to any interested person or organization who makes a written request therefore, for a fee of Ten (\$10) Dollars.

n) Notice to Department. Within five (5) days after sale or disposition of a vehicle under this Section, the Town Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

o) Owner May File. At any time within two (2) years after the sale of a motor vehicle is provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Town Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. 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 the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.

p) Exemption. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall, within 12 hours of such occurrence, notify the Town Constable or Town Board of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Town together with a fee of Ten (\$10) Dollars to offset the cost of towing and junking charges and shall be exempt from the provisions of this Ordinance.

When so requested by the owner or person In charge of a vehicle the Town Constable or Town Board shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the contractor engaged by the Town for towing of disabled vehicles.

q) This Ordinance shall take effect upon passage and publication as provided by law.

TOWN OF PLYMOUTH

By: *William Paul Kuylen*  
Chairman

ATTEST:

*Lorene Stall*  
Clerk (Deputy)

Passed this 4 day of February, 1992.

Published this 5 day of February, 1992.