Inoperable, abandoned vehicles on private property

Excerpt from City of Fort Atkinson Code of Ordinances

ARTICLE IV. - ABANDONED, JUNKED MOTOR VEHICLES AND ACCESSORIES

Sec. 94-111. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle that, through disuse and failure to be used, remains in one location for a period of ten days or more, or a motor vehicle that has been reported as stolen to any police department, or a motor vehicle that does not have affixed a current motor vehicle license.

Junked motor vehicle means any motor vehicle that is partially dismantled or wrecked and cannot safely or legally be operated.

Motor vehicle means any self-propelled land vehicle that can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors and snowmobiles.

Motor vehicle accessories means any part or parts of any motor vehicle.

Private property means any real property not owned by the federal government, state, county, city school board or other public subdivision.

Removal means the physical relocation of a motor vehicle to an authorized location.

Sec. 94-112. - Storage prohibited.

(a)No person owning or having custody of any abandoned or junked motor vehicle or accessories shall store or permit any such vehicle or accessories to remain on any private property within the city for a period of more than ten days; and no person owning any private property in the city, as determined from the tax assessment records of the city, shall store or permit to remain any such vehicles or accessories on his/her property for a period of more than ten days. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this article. No such person shall be deemed to have violated this subsection until the expiration of the 72-hour period provided for in subsection 94-114(c).

(b)No person, after notification to remove any abandoned or junked motor vehicle or motor vehicle accessories 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. Whenever the chief of police or any member of his/her department shall find or be notified that any such vehicle or accessories have been so removed, a 72-hour notice

shall be given in the manner provided in subsection 94-114(c) and the same removed as provided in section 94-115. In addition, penalties may be imposed as provided in this article.

Sec. 94-113. - Exceptions.

This article shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building, or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers provided such vehicles are stored as provided in the zoning ordinance relating to off-street parking. Such business enterprises shall include auto junkyards and auto repair and body shops, but shall not include automobile service stations or tire, battery and accessory sales stores.

Sec. 94-114. - Enforcement.

(a)Investigation. The police department on routine patrol or upon receipt of a complaint may investigate a suspected abandoned or junked motor vehicle or motor vehicle accessories and record the make, model, style and identification numbers and its situation.

(b)Initial notice of removal. Whenever the chief of police or any member of his/her department shall find or be notified that any abandoned or junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property within the city for more than ten days, the police department shall send by certified mail a notice to the owner of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the city, on which the same is located to remove the junked motor vehicle or motor vehicle accessories within ten days. Such notice shall also contain the following additional information:

(1)Nature of complaint.

(2)Description and location of the motor vehicle and/or motor vehicle accessories.

(3)Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than ten days from the date of notification.

(4)Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.

(5)Statement that if removal is made within the time limits specified, notification shall be given to the police department.

(6)Statement of the penalties provided for noncompliance with such notice.

(c)Final notice of removal. After the expiration of the ten-day time period specified in subsection (b)(3), the police department shall place a notice in a conspicuous place on the motor vehicle or

motor vehicle accessories setting forth briefly the applicable provisions of this article, date of notice, and specifying that unless the vehicle is removed to a lawful place of storage within 72 hours it will be removed under the authority of this article.

Sec. 94-115. - Authority for removal.

(a)If an abandoned or junked motor vehicle or motor vehicle accessories are not removed within the time period specified in section 94-114(c), the chief of police or any member of his/her department is hereby authorized to requisition, at city expense, a private towing company to remove the vehicle to a lawful place of storage.

(b)The towing company shall assume full responsibility of all vehicles removed under the terms of this section and may dispose of same in any manner it deems desirable.

Sec. 94-116. - Penalties and stipulation.

(a)Any person convicted of a violation of section 94-112(a) shall be subject to a fine of not less than $25.00 nor more than $100.00, together with the cost of prosecution, and in default of payment thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 30 days.

(b)Any person convicted of a violation of section 94-112(b) shall be subject to a fine of not less than $50.00 nor more than $200.00, together with the cost of prosecution, and in default of payment thereof shall be imprisoned for a period not to exceed 60 days.

(c)Where there is more than one vehicle involved, each vehicle shall constitute a separate offense; and each day such violation continues shall also constitute a separate offense.

(d)Any person who has been charged with a violation of this section may appear at the police station within 72 hours and may be permitted to enter into a stipulation with the city, represented by the city attorney, for a disposition of the violation. Such stipulation may provide for a plea or stipulation of guilt or nolo contendere and a forfeiture of a deposit of money in the amount of $25.00 as a penalty for each offense of section 94-112(a) or $50.00 as a penalty for each offense of section 94-112(b).