

1 **CHAPTER 3**

2 **ABANDON, ILLEGALLY PARKED VEHICLES**

3 6-3-1: Definitions

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12  
13 6-3-1: Definitions:

14 Abandon motor vehicle: means a motor vehicle that through disuse and failure to be used remains in  
15 one location for a period of 10 days or more, or a motor vehicle that has been reported stolen to any  
16 police department, or a motor vehicle that does not have affixed a current motor vehicle license.

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

19 Motor vehicle: means any self-propelled land vehicle that can be used for towing or transporting people  
20 or materials, including but not limited to automobiles, trucks, buses Motorized campers, motorcycles,  
21 motor scooter, tractors, ATV, UTV, and snowmobiles.

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

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

25 6-3-2: ILLEGALLY PARKED VEHICLES

26 Illegally Parked Vehicles, Removal: Whenever any traffic officer shall find a vehicle standing upon a  
27 street or in a parking lot in violation of the provisions of this chapter, he may move such vehicle to a  
28 position permitted under this chapter. If such moving is done by the police department or a garage at  
29 the request of the police department, the cost of such towing shall be paid by the owner or operator

30 before they can recover possession of that vehicle. Any vehicle which has been standing in or upon any  
31 street, in excess of seventy two (72) hours shall be conclusively presumed to be abandoned and may be  
32 removed to a public storage lot and in such case the owner shall pay the removal and storage fees on  
33 said vehicle before they may recover the possession thereof.

#### 34 6-3-3: STORAGE OF VEHICLES

35 No person owning or having custody of any abandoned or junked motor vehicle or accessories shall  
36 store or permit any such vehicle or accessories to remain on private property within the Town for a  
37 period of more than 10 days. And no person owning any private property in the Town, as determined by  
38 the tax assessment records, shall store or permit to remain any such vehicles and accessories on their  
39 property for a period of more than 10 days. Such storage is declared a public nuisance and may be  
40 abated or removed and penalties imposed as provided in this article. No such person shall be deemed to  
41 have violated this subsection until the expiration of 72-hour period provided for in section 6-3-2.

42

#### 43 6-3-4: EXCEPTIONS

44 This article shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed  
45 building or in an area properly screened from public view, or on the premises of a business enterprise  
46 operated in a lawful place and manner when necessary to the operation of such a business enterprise ,  
47 in a storage place or depository maintained in a lawful manner, or seasonal use vehicles such as  
48 snowmobiles, motorcycles, motor scooters, and nonmotorized campers. Such business enterprises shall  
49 include auto junkyards and auto repair and body shops.

#### 50 6-3-5: ENFORCEMENT

- 51 a. Investigation: The police department on routine patrol or upon receipt of a complaint may  
52 investigate a suspected abandoned vehicle or junk motor vehicle or motor vehicle accessories  
53 and record make, Model, style and identification numbers and its situation.
- 54 b. Initial Notice of Removal : Whenever the Chief of Police or any member of the department shall  
55 find or be notified that an abandoned or junked motor vehicle or motor vehicle accessories  
56 have been stored or permitted to remain on any private property within the Town for more  
57 than 10 days, the police department shall send by certified mail a notice to the owner of record  
58 of such motor vehicle accessories . If such owner can ascertain by the exercise of reasonable  
59 diligence, and also to be the owner of the private property, as shown on the tax assessment  
60 records of the Town on which the same is located to remove the junked motor vehicle or motor  
61 vehicle accessories within 10 days
- 62 c. Such notice shall also contain the following information:
- 63 (1) Nature of the complaint.
- 64 (2) Description of the location of the motor vehicle and/or motor vehicle accessories.
- 65 (3) Statement that the motor vehicle or motor vehicle accessories shall be removed from  
66 the premises not later than 10 days from the date of notification.

- 67 (4) Statement that the removal from the location specified in the notification to another  
68 location upon which such storage is not permitted is prohibited and shall subject the  
69 person additional penalties.  
70 (5) Statement that if removal is made within the time limits specified, notification shall be  
71 given to the Police Department.  
72 (6) Statement of the penalties provided for noncompliance with such notice.  
73 d. Final Notice of Removal : After the expiration of the 10 day period specified in subsection 6-3-  
74 5(b) the police department shall place a notice in a conspicuous place on the motor vehicle or  
75 motor vehicle accessories setting forth briefly the applicable provisions of this article, date of  
76 notice, and specifying that unless the vehicle is removed to a lawful place of storage within 72  
77 hours it will be removed under the authority of this article.

78

79 6-3-6: AUTHORITY OF REMOVAL

- 80 a. If abandoned or junked vehicles or vehicle accessories are not removed within the time period  
81 specified in Section 5c, the Chief of Police or any other member of the department is hereby  
82 authorized to requisition private towing company to remove the vehicle to a lawful place of  
83 storage.  
84 b. The towing company shall assume full responsibility of all vehicles removed under the terms of  
85 this section and shall be responsible to collect the cost of towing/storage from the vehicle  
86 owner.

87 6-3-7: PENALTIES

- 88 a. Any person convicted of a violation of section 2(a) shall be subject to a fine of not less than  
89 \$50.00 not more than \$200.00 together with the cost of prosecution, and in default of payment  
90 thereof shall be imprisoned in the county jail for a period not to exceed 30 days.  
91 b. Any person convicted of a violation of 2(b) shall be subject to a fine of not less than \$50.00 not  
92 more than \$200.00 together with the cost of prosecution, and in default of payment thereof  
93 shall be imprisoned for a period not to exceed 60 days.  
94 c. Where there is more than one vehicle involved, each motor vehicle and motor vehicle  
95 accessories  
96 d. shall constitute a separate offense; and each day such violation continues shall constitute a  
97 separate offense.

98 6-3-8: SEVERABILITY

99 The sections of this Ordinance are declared to be severable. If any section or portion thereof shall be  
100 declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision  
101 shall apply only to the specific section or portion directly specified in the decision and shall not affect the  
102 validity of any other provisions' sections or portion of this Ordinance. The remainder of the Ordinance

103 shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions  
104 of this Ordinance are hereby repealed as to those terms that conflict.

105 6-3-9: EFFECTIVE DATE

106 This ordinance becomes effective upon passage by the Town Board and the posting of the required  
107 signage.

108

109 Passed this 8 day of Oct, 2019

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111 Attest:

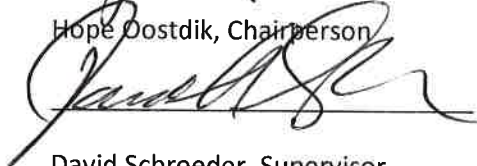
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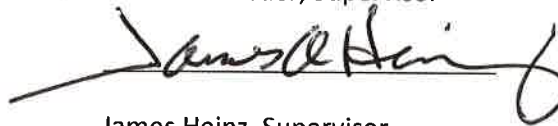
114 Robin Untz, Town Clerk



Hope Dostdik, Chairperson



David Schroeder, Supervisor



James Heinz, Supervisor