

**TOWN OF FARMINGTON
ORDINANCE**

**AN ORDINANCE REGULATING THE STORAGE OF ABANDONED AND JUNKED
VEHICLES**

The Town of Farmington, Polk County, Wisconsin, does hereby ordain as follows:

Sec. 1 - Definitions

- a. **Vehicle** - The term vehicle as used in this section means motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery, farm equipment, trailers, and semitrailers, including any part or parts of the same.
- b. **Unlicensed Vehicle** - The term unlicensed vehicle as used in this section means vehicles which do not bear lawful and current license plates.
- c. **Motor Vehicle** - The term motor vehicle as used in this section is defined in Wis. Stats. § 340.01(35).
- d. **Junked Vehicle** - The term junked vehicle as used in this section means a vehicle in such a state of physical or mechanical ruin as to be incapable of propulsion, or which is otherwise not in a safe or legal condition due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.
- e. **Abandoned Vehicle** - The term abandoned vehicle as used in this section means a vehicle which, through disuse and failure to be used, remains in one location for a period of 5 days or more, without the consent of the owner of the property on which it is located, or a vehicle which has been reported as stolen to any police department, or an unlicensed vehicle.
- f. **Private Property** - The term private property as used in this section means any real property not owned by the federal government, state, county, city, school board, or other political subdivision.
- g. **Removal** - The term removal as used in this section means the physical relocation of a vehicle to an authorized location.
- h. **Town Official** - the term town official as used in this section means any official representative of the town including, but not limited to, the town chair, supervisors, clerk, or constable.

Sec. 2 - Restriction on Storage of Junked or Abandoned Vehicles. Except as otherwise provided herein, no person owning or having custody or possession of any junked or abandoned vehicle shall cause the same to be stored upon private property within the Town of Farmington for a period exceeding twenty (20) days.

Sec. 3 - Exceptions

- a. This Ordinance shall not apply to any junked vehicle or abandoned vehicle when such a vehicle is:
 - i. Stored within an enclosed building; or
 - ii. Stored on the premises of a business enterprise operating in a lawful place and manner in a properly zoned area, in such a manner as to not constitute any nuisance, when necessary to or part of the operation of such business enterprise; or
 - iii. Stored in such a manner that the vehicle is not visible from adjacent roads or highways.

Sec. 4 - Enforcement

- a. Notice of Removal

Whenever an official of the Town of Farmington shall find or be notified that any abandoned or junked vehicle has been stored or permitted to remain on any private property within the Township, other than as provided in section 3 hereof, a Town Official shall send a notice to the owner of record of such vehicle, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property on which the vehicle is located, to remove the vehicle within ten (10) days or otherwise comply with this Ordinance. A copy of this Ordinance shall be sent with the Notice of Removal, and both shall be sent by certified mail.

- b. Remedies

- i. Impoundment & Disposal

If such junked or abandoned vehicle is not removed within twenty (20) days after notice of removal is sent, the Town Official may cause the vehicle to be removed and impounded and it shall thereafter be disposed of as prescribed in section 6 hereof.

ii. Forfeiture

In the event the Town Official chooses not to impound and dispose of the junked or abandoned vehicle, a forfeiture of \$200.00 per day shall be imposed upon the person or entity in violation of this ordinance, upon conviction. Each day the violation exists shall be a separate offense.

Sec 5 - Reclamation. At any time before disposal, the vehicle may be reclaimed upon payment of all accrued charges, including, but not limited to towing, storage, and notice charges.

Sec 6 - Disposal

a. If the value of the impounded vehicle is less than \$250, as determined by a source or sources reasonably knowledgeable regarding the issue of value, the vehicle may be sold by direct sale to a licensed salvage dealer.

b. If the value of the impounded vehicle is greater than \$250, as determined by a source or sources reasonably knowledgeable regarding the issue of value, the vehicle may be sold by public auction or public sale calling for the receipt of sealed bids. A Class I notice, including the description of the name(s) and addresses(s) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

Sec 7 - Report of Sale or Disposal. Within five days after the direct sale or disposal of a vehicle as provided herein, a Town Official shall advise the State of Wisconsin Department of Transportation Division of Motor Vehicles, of such sale or disposal on a form provided by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle.

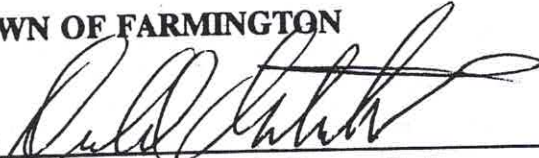
Sec 8 - Costs of Impoundment and Disposal. The owner of any junked or abandoned vehicle is responsible for all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Township against the owner. This provision regarding payment of costs of impoundment and disposal shall not, however, apply to the owner of any vehicle reported missing to a police

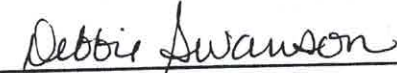
Sec 9 - Validity. Should any section, clause, or provision of the Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Sec 10 - Conflicting provision repealed. All Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

Dated this 4th day of November, 1996.

TOWN OF FARMINGTON

By: 
Donald Getschel, Town Chairman

By: 
Debbie Swanson, Town Clerk

Dated Passed: 11-4-96, 1996.

Voted For: 3

Voted Against: 0

Date Published: 11-5-96
Posted