

ORDINANCE NO. 50-60

An Ordinance to replace 50-52 through 50-59 Abandonment of vehicles and Junked vehicles on public or private property.

Whereas, the Village Board of the Village of Spring Valley has set forth standards, provisions, and requirements regarding abandoned, junked and unlicensed vehicles within the Village limits; and

Whereas, Ordinances 50-52 and 50-59 shall be superseded immediately by this Ordinance 50-60 in its entirety upon acceptance and approval by the Village Board of Trustees; and

Now, therefore, the Village Board of the Village of Spring Valley does ordain as follows:

Section 1. Definitions.

A. Definitions. For purposes of this chapter, the following definitions shall be applicable:

1. Vehicle shall mean a motor vehicle, trailer, semi-trailer, mobile home, motorcycle, scooter, snowmobile, or watercraft, whether or not such vehicle is registered under Wisconsin Law.
2. Abandoned and/or unattended shall mean unmoved from its location with no obvious sign of continuous human use for 21 days or more.
3. Street shall mean any public street/highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
4. Public property shall mean any streets, sidewalks, parking lots, land and buildings owned by the Village of Spring Valley and/or any other Government.
5. Enforcement official shall mean any Village official or employee so authorized to enforce any Village ordinance.
6. Enforcement shall mean the procedure in which the Enforcement Official follows through with the violation of said ordinance.

Section 2. General Provisions.

A. Abandonment of Vehicles Prohibited.

No person shall leave unattended any vehicle, as specified in Section 1, on any streets, sidewalks, parking lots, land and buildings owned by the Village of Spring Valley or any private property within the Village of Spring Valley for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

Whenever any such vehicle has been left unattended, as specified in Section 1, on any public street, public property or private property in the Village of Spring Valley for more than 21 days, the vehicle shall be deemed abandoned and constitutes a public nuisance.

B. Presumptions.

For purposes of this section, the following irrefutable presumptions shall apply: A vehicle shall be presumed unattended if it is found in the same position 21 days or more after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said 21 days. Any vehicle left unattended for more than 21 days on any public street, public property or private property in the Village without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided that the vehicle

shall not be deemed abandoned under subsection C if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the ordinance enforcement official.

C. Exceptions.

This section shall not apply to a vehicle that is in an enclosed building or a vehicle stored on premises licensed for storage of junk or junked vehicles and fully in compliance with Village regulations.

Section 3. Vehicle removal, impoundment, disposal.

A. Removal and impoundment of vehicles.

Any vehicle in violation of this ordinance shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 3.

B. Notice, removal, storage or reclaimed abandoned vehicles.

1. Enforcement. The provisions of this section shall apply to the notice, removal, storage, reclaimed or disposal of abandoned vehicles. The enforcement of this ordinance shall be done by any Village official or employee so authorized to enforce any Village ordinance, known as the Enforcement Official.
2. Notice to owner or secured party. Notice of ordinance violation and to remove abandoned vehicle shall be given to the titled owner of the abandoned vehicle or secured party of record along with the following information:
 - a. That the vehicle has been deemed abandoned and impounded by the Village of Spring Valley
 - b. The “determined value” of the abandoned vehicle
 - c. If the cost of towing and storage costs will exceed the determined value of the vehicle
 - d. That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value of less than one hundred dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within ten (10) days upon the payment of the aforesaid charges; and
3. Removal. Any enforcement official, specified in this section, who discovers any motor vehicle, trailer, semi-trailer or mobile home of any public street, highway, public property or private property in the Village of Spring Valley which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
4. Storage and reclaimed. Any abandoned vehicle which is determined by the enforcement official to be abandoned shall be retained in storage until such time the vehicle shall be reclaimed. Any such vehicle which may be lawfully reclaimed may be released upon the payment in full of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the impoundment and / or storage facility.

C. Disposal of abandoned vehicles.

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Ordinance may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class 1 notice, including the description of the vehicles, the name(s) and address(es) of the

titled owner and/or the secured party of record, if known, and the time of sale shall be published before the sale.

D. Report of Sale or disposal.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Village shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied 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. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay storage fees established by the storage facility for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) 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 sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Village. The Village may charge a reasonable fee for the list.

E. Owner responsible for impoundment and disposal costs.

1. Responsibility of costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment removal and all costs of impounding and disposing of the vehicle. Costs not covered by the sale of the vehicle may be recovered in a civil action by the Village against the owner.
2. Law Enforcement investigation. Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

Adopted at a duly called and noticed meeting of the Village Board, Village of Spring Valley, Pierce and St. Croix Counties, Wisconsin, the 4th day of September, 2024.

Theresa Koch, Village President

Luann Emerson, Administrator

Voted for _____

Voted against _____

Absent _____

Abstain _____