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**WOOD COUNTY ORDINANCE #234
ABANDONED VEHICLES**

Chapter 234 .01 DEFINITIONS

Unless specifically set forth otherwise in a section or subsection, the definitions of terms for purposes of this Chapter shall be the same as those set forth in Chapter 340 of the Wisconsin Statutes.

The word "person" as used throughout the ordinance shall be deemed to include any individual, partnership, firm, or corporation. "Vehicle" shall include automobile, bicycle, all-terrain vehicle, moped, motor bicycle, motor bus, motor vehicle, road machinery, road tractor, semi-trailer, truck tractor, or trailer. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by Statute.

Chapter 234 .02 ABANDONED VEHICLES PROHIBITED

No person shall leave unattended any vehicle on any public highway, private or public property or in or on any waters within the County of Wood, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. A vehicle is presumed to be abandoned if it has been left unattended without the permission of the property owner or the Wood County Sheriff, or representative for more forty-eight (48) hours or if other indicia of abandonment is apparent.

A vehicle shall not be considered abandoned when it is out of ordinary public view or when designated as not abandoned by the Wood County Sheriff's Department.

Chapter 234 .03 IMPOUNDMENT

Any vehicle in violation of this Chapter shall be impounded by the Wood County Sheriff or a representative at a suitable place of impoundment.

The Sheriff of Wood County shall establish and maintain such a suitable place of impoundment. To remove any vehicle from private property, the consent of the property owner or an order of the Court must be obtained.

Chapter 234 .04 DISPOSAL

(1) If it is deemed by the Sheriff that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the County prior to the expiration of the impoundment period in (2) after it is determined by the Sheriff that the vehicle is not stolen or otherwise needed for evidence or other reason.

(2)

A. Any vehicle which is deemed abandoned by the Sheriff or representative and not disposed of under (1) shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner and lienholder. Such notice shall set forth the year, make, model, and serial number of the abandoned vehicle, the place where the vehicle is being held, shall inform the owner and any lienholders of their right to retain the vehicle and the process by which recovery can be made. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle.

B. Any abandoned vehicle retained past the required ten (10) day period of (2)A and not claimed by its owner or a lienholder may be sold by sealed bids submitted to the Sheriff. Prior to the sale of any vehicle under the provisions of this ordinance the Sheriff or representative shall obtain from any individual knowledgeable about the value of vehicles, an estimate of the value of the vehicle in question. At such sale the highest bid for any such vehicle shall be accepted unless the Sheriff or representative deems the bid inadequate, in which event all bids will be rejected. Public notice of the sale of an abandoned vehicle shall be posted on the public notice boards of the Wood County Courthouse and shall be in the same forms the certified mail notice sent to the owner or lienholders of record. Any interested person may offer bids on each abandoned vehicle to be sold. If all bids are rejected or no bids are received, the Sheriff may either repost to another date and seek additional bids, sell the vehicle through a direct private sale for an adequate amount of money, or junk the vehicle .

C. Upon sale of the abandoned vehicle, the proceeds obtained from the disposal of said vehicle shall be distributed by the Sheriff as follows:

- 1.** Reimbursement of all charges accrued by the County, including but not limited to estimate fees, if any, towing, and storage fees;
- 2.** Payment to lienholders of record, in accordance with priority and extent

of lien;

3. Payment of any forfeiture or costs;

4. Payment to the owner of said vehicle of any proceeds remaining after the distribution of proceeds in accordance with a, b, or above.

D. Ten (10) days after the sale of the abandoned vehicle the Sheriff shall supply the purchaser with a completed form designed by the Wisconsin Department of Transportation, Division of Motor Vehicles, which enables the purchaser to obtain regular certificate of title for the vehicle.

The purchaser shall have ten (10) days from the date of sale to remove the vehicle from the storage area but shall pay a reasonable storage fee determined by the Sheriff for each day the vehicle remains in storage after the second business day subsequent to the sale date. The owner may reclaim the vehicle within ten (10) days of the sale of the vehicle by paying all accrued costs. Ten (10) days after the sale, the owner shall forfeit all interest in the vehicle and the vehicle shall be considered the property of the purchaser.

(3) The owner of the vehicle may reclaim the vehicle anytime up to ten (10) days subsequent to the date of the sale of the vehicle by paying all accrued costs.

Chapter 234 .05 NOTICE TO STATE

Within five (5) days after the sale or disposal of a vehicle, the Sheriff shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles of the sale or disposition on a form supplied by the Department.

Chapter 234 .06 PENALTY

Any person who violates 342.40 Wisconsin Statutes shall upon conviction thereof forfeit not less than \$20.00 nor more than \$200.00 plus the cost of prosecution as provided by 814.63(4) Wisconsin Statutes, the penalty assessment allowed for by 165.87 Wisconsin Statutes and the jail assessment imposed by 302.46 Wisconsin Statutes.

Chapter 234 .07 ENFORCEMENT

It is the duty of the Wood County Sheriff's Department to enforce the provisions of this Chapter. The Sheriff and Deputy Sheriffs are authorized to enforce this Chapter using accepted, appropriate, and legal police methods. This Chapter shall be enforced in the same manner as prescribed by the provisions of 345.20 through 345.53, Wisconsin Statutes.

Chapter 234 .08 REPEAL OF CONFLICTING ORDINANCES

All ordinances regulating abandoned vehicles in the County of Wood, Wisconsin and all ordinances or parts of ordinances heretofore enacted by the County Board of Wood County, Wisconsin in conflict herewith are hereby repealed.

Chapter 234 .09 SEVERABILITY

If any section, clause, or division of this ordinance be declared by the court 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.

Chapter 234 .10 EFFECTIVE DATE

(1) This ordinance shall take effect and be enforced upon passage and filing in the Wood County Clerk's Office as provided by 66.035, Wisconsin Statutes.

(2) Printed copies of this ordinance in pamphlet or book form on file in the Wood County Clerk's Office purporting to be published by authority of the Wood County Board shall be prima facie evidence of its passage and publication.