

TOWN OF GIBRALTAR
ORDINANCE NO. 2002-11
REGARDING ABANDONED VEHICLES

The Town of Gibraltar does hereby adopt this ordinance in accordance with the Wisconsin State Statutes and specifically Chapters 60, 66 and 342, including Section 342.40.

SECTION I

1.1 **Purpose.** The Town Board of the Town of Gibraltar, Door County, Wisconsin, finds that it is in the best interests of the residents, visitors and property owners in the Town of Gibraltar to enact this Ordinance regarding vehicles abandoned within the Town. The adoption of this Ordinance for such regulation will promote government and good order in the Town for its benefit and will promote the health, safety and welfare of the public.

1.2 **Statutory Authority.** This ordinance is enacted pursuant to Chapter 342, Wis. Stats., and particularly Section 342.40, and this ordinance incorporates all relevant portions of the Wisconsin Statutes found in said chapter, together with all the rules relating to civil liability for ordinance violations.

1.3 **Definitions.** The definitions contained in the statutes referred to above are hereby adopted and made a part of this ordinance by reference.

SECTION II

2.1 **Abandoned Vehicles.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this section, whenever any vehicle has been left unattended upon property without the permission of the property owner for more than 72 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

2.2 **Impounding Vehicles.** Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of hereunder, except that if it is deemed by the Town Chairman 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 Town prior to expiration of the impoundment period set forth below after a determination by the Door County Sheriff that the vehicle is not stolen or otherwise wanted for evidence or other reason.

2.3 **Impoundment Period.** Any vehicle which is deemed abandoned and not disposed of under Section 2.2, above, shall be retained in storage for a minimum period of 10 days after notice has been sent to the owner and lienholders of record, if known, by certified mail to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold. The Town may dispose of the vehicle by sealed bid. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the Town, in which event all bids may be rejected. If all bids are rejected, or no bid is received, the Town may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle.

2.4 **Exceptions.** With regard to vehicles located at the Ephraim-Gibraltar Airport, whenever any vehicle has been left unattended upon airport property without permission for more than 30 days, the vehicle is deemed abandoned and constitutes a public nuisance. In the case of vehicles with accrued parking fees, the 30 day period set forth herein begins on the first day for which the parking fee for such vehicle has not been paid. In all respects not inconsistent with this paragraph, the balance of this ordinance applies to vehicles located at the airport.

2.5 **Immediate Action.** Nothing in this ordinance shall prevent the Town of Gibraltar from taking immediate action with regard to moving or impounding any vehicle in the event that the vehicle poses a

threat to public health, safety or welfare.

SECTION III

3.1 Issuance of Citations. Police officers for the Town of Gibraltar, the Town Chairman, and such other persons as the Town Board may authorize by further resolution, may issue a citation to the owner of any vehicle which violates this Ordinance. The citation shall further provide the procedure for paying the penalty prescribed herein.

3.2 Penalties and Costs. The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and 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 Town against the owner. In addition, any violation of this ordinance shall be punishable by a forfeiture of not less than \$100.00 nor more than \$500.00, plus costs of prosecution, including reasonable attorney fees to the extent allowable.

BE IT RESOLVED that the foregoing ordinance be adopted and shall become effective on passage and publication.

Dated this 4th day of December, 2002.

TOWN BOARD FOR THE TOWN OF GIBRALTAR

Merrell P. Runquist
Chairman

Sharon Kellner
Clerk

Brian Merkel
Supervisor

Kathleen Presnell
Supervisor

Myrvin Somerhalder
Supervisor

Supervisor