

**Village of Birnamwood  
Abandoned and Unregistered/Unlicensed Vehicle Ordinance**

**(1) ABANDONMENT OF VEHICLES PROHIBITED.**

No person shall abandon any vehicle unattended within the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

**(2) UNREGISTERED/UNLICENSED VEHICLES PROHIBITED.**

No person shall visibly display any vehicle that is unregistered or unlicensed within the Village.

**(3) DEFINITION.** As used in this section, “vehicle” means every device in, upon, or by which any person or property is or may be transported. “Vehicle” includes: Aircraft, All-terrain vehicles, antique vehicles, automobiles, boats, camping trailers, farm equipment, farm tractors, hobbyist or homemade vehicles, junk vehicles, mobile homes, mopeds, motor bicycles, motor buses, motor homes, motor trucks, motorcycles, snowmobiles, recreational vehicles, school buses, and trailers.

**(4) PRESUMPTION OF ABANDONMENT.** Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view, by permission of the owner or lessee.

**(5) EXCEPTIONS.** This section shall not apply to a vehicle in an enclosed building or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

**(6) REMOVAL AND IMPOUNDMENT OR SALE.** Any vehicle found abandoned in violation of this chapter shall be impounded by any police officer until lawfully claimed or disposed of as provided in this section. If the police officer determines that towing costs and storage charges for 10 days, as provided in sub. (6) below, would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the police officer that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid in accordance with sub. (8) below.

**(7) MINIMUM IMPOUNDMENT PERIOD.** The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 10 days.

**(8) NOTICE TO OWNER.** The police officer removing or causing the removal of any vehicle found in violation of this section shall immediately notify the County Sheriff of the abandonment and location of the impounded vehicle, and shall, within 10 days thereafter, notify the owner and lien holders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in §342.40(3), Wis. Stats., and shall state that the failure of the owner or lien holder to exercise their right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

**(9) SALE.** Each retained vehicle not reclaimed by the owner or lien holder may be disposed of by sealed bid or auction sale as provided in §342.40(3), Wis. Stats.

**(10) SALE TO BAR CLAIMS AGAINST VEHICLE.** The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(11) PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under sub. (8) above shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of the actual cost of commercial storage for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten 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 again sold.

(12) REQUEST FOR LIST. Any listing of vehicles to be sold pursuant to this section shall be made available by the Clerk-Treasurer to any interested person or organization who makes a request therefor.

(13) NOTICE TO DEPARTMENT. Within 5 days after the sale or disposition of a vehicle under this section, the Clerk-Treasurer shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(14) OWNER MAY FILE CLAIM. At any time within 2 years after the sale of a motor vehicle, as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to the sale was not the result of the neglect or fault of claimant. If the Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Village Treasury as a result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

(15) EXEMPTION. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall, within 24 hours of such occurrence, notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Village together with a fee for the cost of towing and junking charges and shall be exempt from the provisions of this section. When so requested by the owner or person in charge of a vehicle, the County Sheriff shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the contractor engaged by the Village for towing of disabled vehicles. The provisions of sub. (11) above shall apply to any vehicle removed under this subsection.