

TOWN OF GRAND CHUTE
ORDINANCE O-10-2018, SERIES OF 2018

AN ORDINANCE AMENDING CHAPTER 398 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH GOVERNS ABANDONED VEHICLES IN THE TOWN OF GRAND CHUTE.

WHEREAS, Chapter 398, Section 398-8, of the Town of Grand Chute Municipal Code relating to abandoned vehicles prohibits the abandonment of vehicles within the Town; and,

WHEREAS, Section 398-8, as written, requires the Grand Chute Police Department to impound abandoned vehicles at its facility, incurring costs associated with towing and storage and consuming storage space for said vehicles; and,

WHEREAS, the costs associated with towing and storage are only recovered if the vehicle is reclaimed, and in cases where the vehicle is not reclaimed, the typical value of an abandoned vehicle precludes recovering those costs through sale of the vehicle; and,

WHEREAS, additional labor costs, which are not recovered, are incurred as a result of the need to manage the abandoned vehicle program; and,

WHEREAS, the Grand Chute Police Department has proposed outsourcing responsibility for management of the abandoned vehicle program to a contracted auto salvage company; and,

WHEREAS, said salvage company would fully administer the program at no cost to the Town, while also paying the Town a fee for each vehicle that goes unclaimed;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 398, Section 398-8, of the Grand Chute Municipal Code, is hereby amended and adopted as follows:

§ 398-8 **Abandoned vehicles.**

[Amended 12-20-2011 by Ord. No. 2011-30; 12-20-2011 by Ord. No. 2011-37]

- A. Wisconsin Statute § 342.40, Vehicle abandonment prohibited; removal; disposal, as amended from time to time, is incorporated herein by reference.
- B. Pursuant to § 342.40, Wis. Stats., no person shall leave unattended any motor vehicle, trailer, semitrailer, or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Town street or highway or on any public or private property within the Town without permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

- C. Any vehicle deemed in violation of this section shall be towed by a licensed towing company approved by the Chief of Police and contracted with the Town of Grand Chute for such purpose, or towed by such other means deemed reasonable or necessary under the circumstances by the Chief of Police. Such vehicle will be held at the contractor's facility until lawfully claimed or disposed of in any lawful manner.
- D. 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. Prior to reclamation of the vehicle, the owner or lien holder shall pay to the contracted towing company the towing and storage fees incurred by the towing company.
- E. Penalty. Any person who shall cause a vehicle to become abandoned within the Town of Grand Chute under the terms and conditions of this section and § 342.40, Wis. Stats., shall, upon due conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedule, together with costs of prosecution.

END OF AMENDMENT

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 5 day of June, 2018

VOTED FOR: 5

VOTED AGAINST: 0

New Language in bold

Approved as to Form

Al J Romin

for
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TOWN OF GRAND CHUTE

David Schowalter

David Schowalter, Town Chairman

Karen L. Weinschrott

Karen L. Weinschrott, Town Clerk