

ORDINANCE

An Ordinance to amend Section 16.130 of the Manitowoc Municipal Code regulating Junked and Abandoned Vehicles.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 16.130 is amended to read as follows:

“16.130 Junked and Abandoned Vehicles.

(1) No person shall abandon or cause to be abandoned any motor vehicle, trailer, semitrailer, or mobile home on any highway or public or private property within the City. A motor vehicle, trailer, semitrailer or mobile home shall be deemed abandoned within the meaning of this section, and shall constitute a public nuisance, in any of the following situations:

(a) Whenever any such vehicle is left unattended on any highway or public or private property within the City for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Any vehicle left unattended on any public property, including any highway or public street, for a period in excess of 24 hours shall be deemed abandoned;

(b) Whenever any such vehicle is disassembled, inoperable, unlicensed, junked or wrecked and is stored or allowed to remain in the open upon public or private property within the city for a period in excess of 72 hours after notifying, in writing, the owner of the real property upon which such vehicle is placed or stored and mailing of notice to the last-known address of the vehicle owner, if different than the owner of the real property;

(c) Whenever any such vehicle has been allowed to remain standing on any highway or public property in the city for more than 72 hours after a notice of parking violation has been placed on the vehicle, provided that at least 48 hours have passed since mailing of a notice of intent to deem vehicle abandoned to the last-known address of the owner;

(d) Whenever any vehicle has been left unattended on public or private property without the permission of the property owner for more than 48 hours.

~~(1) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:~~

~~Person shall mean any individual, firm, partnership, association, corporation, company, or organization of any kind.~~

~~Vehicle shall mean a machine propelled by power other than human power designated to travel along the ground, air or water by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motor home, motorcycle, tractor, buggy, wagon, boat and aircraft.~~

~~(2) Junked Vehicles. No person shall keep any partially dismantled, unregistered, inoperable, wrecked or otherwise junked vehicle on any privately owned premises in the City for a period of time in excess of 72 hours or any publicly owned premises within the City, including any street or highway, for a period of time in excess of 24 hours. Any such vehicle shall constitute a public nuisance and subject the owner or keeper thereof to a forfeiture as provided in subsection (6) of this section. Such vehicle may also be impounded as provided for in subsection (5) of this section.~~

~~(3) Abandoned Vehicles. No person shall leave unattended any vehicle, for a period exceeding three months in a 12-month period, on any private or public property, including~~

~~any street or highway, for such time, and under such circumstances, as to cause the vehicle to reasonably appear to be abandoned. Except as otherwise provided in this section, whenever any vehicle has been left unattended without the permission of the property owner for more than 72 hours on private property or more than 24 hours on any public property, including any street or highway, the vehicle is deemed abandoned and constitutes a public nuisance. A vehicle shall not be considered an abandoned vehicle when it is out of ordinary public view. Violation of this subsection shall subject the owner or keeper of such vehicle to a forfeiture as provided in subsection (6) of this section. Such vehicle may also be impounded as provided for in subsection (5) of this section.~~

(2)-(4) Exceptions. The following vehicles shall be considered not junked or abandoned within the meaning of subsection **(1)** ~~(2) or (3)~~ of this section:

- (a) Vehicles kept in connection with an automotive sales or repair business enterprise located in a properly zoned area;
- (b) Vehicles kept in an enclosed building;
- (c) Vehicles located on the premises of a business operated in a lawful place and manner when necessary to the operation of such business enterprise; and
- (d) Vehicles in an appropriate storage or depository maintained in a lawful place and manner by the City.

(3)-(5) Impounding. Any junked or abandoned vehicle found to be in violation of this section may be impounded and disposed of as provided in Wis. Stat. § [342.40](#). The Manitowoc Police Department shall be responsible for the administration of this subsection (5). Sale of impounded vehicles shall be by sealed bid.

(4)-(6) Penalties. Any person, firm, partnership, or corporation violating or failing to comply with any of the provisions of this section shall be subject to penalties per MMC [16.370\(2\)](#). Each day such violation is committed or permitted to continue shall constitute a separate offense.”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact: \$0
Funding Source: n/a
Finance Director Approval: sc
Approved as to form: km

This resolution was drafted by Elizabeth Majerus

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