

# **Ordinance No. 2025-02**

## **VILLAGE OF COLEMAN MARINETTE COUNTY, WISCONSIN**

### **An Ordinance Amending Chapter 220-22 of the Municipal Code of the Village of Coleman Relating to Storage of Junked or Discarded Property**

**WHEREAS**, the Village of Coleman Board of Trustees has set forth standards, provisions, and requirements regarding Abandoned, Junked, Unlicensed Vehicles, Rummage/Yard/Garage Sales within the Village limits; and

**THEREFORE**, THE VILLAGE BOARD OF THE VILLAGE OF COLEMAN, MARINETTE COUNTY WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

#### **SECTION 1: DEFINITIONS.**

**A. Definitions.** For purposes of this Chapter, the following definitions shall be applicable:

- 1) **Vehicle** shall mean a motor vehicle, trailer, semi-trailer, mobile home, motorcycle, scooter, snowmobile, or watercraft, whether or not such vehicle is registered under Wisconsin Law.
- 2) **Abandoned and/or Unattended** shall mean unmoved from its location with no obvious sign of continuous human use for seventy-two (72) hours or more.
- 3) **Street** shall mean any public street/highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- 4) **Public Property** shall mean any streets, sidewalks, parking lots, land and buildings owned by the Village of Pound and/or any other Government.
- 5) **Enforcement Official** shall mean any Village official or employee so authorized to enforce any Village Ordinance.
- 6) **Enforcement** shall mean the procedure in which the Enforcement Official follows through with the violation of said Ordinance.
- 7) **Rummage/yard/garage** means a person selling items or offering items for sale or for free at a home or place of business

#### **SECTION 2: GENERAL PROVISIONS.**

##### **A. Abandonment of Vehicles Prohibited.**

No person shall leave unattended any vehicle, as specified in Section 1, on any streets, sidewalks, parking lots, land and buildings owned by the Village of Coleman or any private property within the Village of Coleman for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended, as specified in Section 1, on any public street, public property or private property in the Village of Coleman for more than seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

##### **B. Presumptions.**

For purposes of this Section, the following irrefutable presumptions shall apply:

A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours or more after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours. Any vehicle left unattended for more than seventy-two (72) hours on any public street, public property or private property in the Village of Coleman without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under

Subsection C if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the ordinance enforcement official.

### **C. Exceptions.**

This Section shall not apply to a vehicle that is in an enclosed building or a vehicle stored on premises licensed for storage of junk or junked vehicles and fully in compliance with Village regulations.

## **SECTION 3: VEHICLE REMOVAL, IMPOUNDMENT, DISPOSAL.**

### **A. Removal and Impoundment of Vehicles**

Any vehicle in violation of this Ordinance shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 3.

### **B. Notice, Removal, Storage or Reclaimed Abandoned Vehicles**

- 1) **Enforcement.** The provisions of this Section shall apply to the notice, removal, storage, reclaimed or disposal of abandoned vehicles. The enforcement of this Ordinance shall be done by any Village official or employee so authorized to enforce any Village Ordinance, known as the Enforcement Official.
- 2) **Notice to Owner or Secured Party.** Notice of Ordinance Violation and to remove abandoned vehicle shall notify the Wisconsin titled Owner of the abandoned vehicle, if any, and/or the Secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
  - a. That the vehicle has been deemed abandoned and impounded by the Village of Coleman;
  - b. The "determined value" of the abandoned vehicle;
  - c. If the cost of towing and storage costs will exceed the determined value of the vehicle;
  - d. That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within Ten (10) days upon the payment of the aforesaid charges; and
- 3) **Removal.** Any enforcement official, specified in this Section, who discovers any motor vehicle, trailer, semi trailer or mobile home on any public street, highway, public property or private property in the Village of Pound which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- 4) **Storage and reclaimed.** Any abandoned vehicle which is determined by the enforcement official to be abandoned shall be retained in storage until such time the vehicle shall be reclaimed. Any such vehicle which may be lawfully reclaimed may be released upon the payment in full of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the impoundment and/or storage facility.

### **C. Disposal of Abandoned Vehicles**

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Ordinance may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and/or the secured party of record, if known, and the time of sale shall be published before the sale.

### **D. Report of Sale or Disposal**

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Village shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay storage fees established by the Storage Facility for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) 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 sold again. Any listing of vehicles

to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Village. The Village may charge a reasonable fee for the list.

**E. Owner Responsible for Impoundment and Disposal Costs**

- 1) **Responsibility of Costs.** The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment removal and all costs of impounding and disposing of the vehicle. Costs not covered by the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- 2) **Law Enforcement Investigation.** Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

**SECTION 4: PRIVATE PROPERTY UNSIGHTLY DEBRIS AND JUNKED VEHICLES.**

**A. Definitions.** For purposes of this Section, the following definitions shall be applicable:

- 1) **Business Property.** All parcels within the Village of Coleman used for purposes Commercial, Industrial, or any other activities as to running a Business.
- 2) **Junked Vehicle.** Any motor vehicle, trailer, semi-trailer, mobile home, motorcycle, scooter, snowmobile, or watercraft, that is disassembled, inoperable, unlicensed, abandoned, junked, or wrecked.
- 3) **Residential Property.** All parcels within the Village of Coleman that are used as residential dwellings and not used for purposes Commercial, Industrial, or any other activities as to running a Business.
- 4) **Unenclosed.** Capable of being viewed from any height up to six (6) feet above grade from any point on an adjoining parcel or from any public property or street within two hundred (200) feet.
- 5) **Unsightly Debris.** Includes by way of illustration but not limited to:
  - a. Parts of vehicles such as tires, chassis parts, body panels, bumpers, and batteries.
  - b. Appliances, furniture and household furnishings.
  - c. Construction materials, construction debris, tools and equipment.
  - d. Agricultural and garden materials, tools, and equipment.
  - e. Broken or dilapidated cargo trailers, livestock trailers, trailers for transporting any type of vehicle including snowmobiles and watercraft, and travel trailers for camping or recreational use.
  - f. Discarded, broken, or dilapidated toys, bicycles, play equipment, and sporting goods.
  - g. Other junked, broken, dilapidated or discarded items similar in nature to any of the above items.
- 6) **Rummage/yard/garage** means a person selling items or offering items for sale or for free at a home or place of business.

**B. Rummage/Yard/Garage**

- 1) No sale shall last more than four consecutive days and no person will be allowed more than 3 per year.
- 2) No person shall sell or offer for sale at any rummage/yard/garage sale any goods known to such person to be stolen.
- 3) No person shall buy, sell, or trade any firearm at a rummage/yard/garage sale to any person under the age of 18.

**C. Restrictions on Storage.**

No junked vehicle or unsightly debris shall be stored unenclosed within the Village of Coleman upon residential property for more than seventy-two (72) hours or on business property for more than thirty-six (36) hours.

**D. Temporary Extensions of Deadline.**

The Village Board may issue an extension of up to thirty (30) additional days to comply with this Section where exceptional facts and circumstances warrant.

#### E. Enforcement.

- 1) **Notice of Violation.** Whenever a Village enforcement officer shall find any junked vehicle, unsightly debris or any household furniture or appliances upon private property within the Village in violation of this Section, he/she shall notify the owner of the property on which said vehicle, debris or household item (s) is stored of the violation of this Section. If said vehicle, debris or household item(s) is not removed within ten (10) days, a Village enforcement officer shall cause to be issued a citation to the property owner and/or tenant of the property upon which said vehicle or debris is stored.
- 2) **Removal; Impoundment; Sale.** If such vehicle, debris or household item(s) is not removed within ten (10) days after issuance of a citation, a Village enforcement officer shall cause the vehicle/debris or household item(s) to be removed and said vehicle to be impounded, and it shall thereafter be disposed of as prescribed in Section 3 by a Village enforcement officer. Any cost incurred in the removal and sale of said items shall be recovered from the owners. However, if the owner cannot readily be found, the cost of such removal shall be charged to the property from which it is removed and such charges shall be entered as a special charge on the tax roll.
- 3) **Penalties.** Any person who shall be in violation of any provisions of this Ordinance and/or who shall interfere with the enforcement of any of the provisions of this Ordinance and who shall be found guilty thereof shall be subject to a penalty of, not less than, \$100.00 for each offense. Each junked vehicle unsightly debris and/or item involved in the violation shall constitute as a separate offense, and each day of a violation shall constitute a separate offense.

**WHEREAS,** this ordinance shall coincide with all other ordinances which benefits the safety, health, and well-fare along with the enhancement and to increase values of the Village of Coleman community and all ordinances or parts of ordinances in conflict herewith are hereby repealed and should any portion of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**EFFECTIVE DATE:** The standards of this ordinance shall be effective immediately upon passage and publication, as pursuant to law.

Offered By Trustee: Jordan Gondeck

Seconded By Trustee: Jim Karban

Vote: Yea: 7

Nay: 0

Abstain: 0

Absent: 0

Hereby granted this 11th day of August 2025 by a majority of a quorum of the Village of Coleman Board of Trustees.

  
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Jeffrey Gosa, President

ATTEST:   
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Lori Gross, Village Clerk

Date of Adoption: **August 11, 2025**

Date of Publication: **August 20, 2025**