



MIDDLETON POLICE DEPARTMENT

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POLICY
6.2.14

SUBJECT: **Abandoned Vehicles**

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PURPOSE

The purpose of this policy is to provide officers with guidelines for the handling of abandoned vehicles and the removal and towing of vehicles from public and private property.

POLICY

The Middleton Police Department will enforce prohibitions on and remove abandoned vehicles for the purpose of fairly rationing limited public space, facilitating snow and litter removal, and vindicating the right of owners of private property to exclusive control and use.

PROCEDURE

Private Property Owner/Manager Pre-Complaint Procedure

The Middleton Police Department will investigate abandoned vehicles on private property upon request and/or signed statement of non-consent of the property owner/manager. The owner/manager must be present to point out the abandoned vehicle during the initial police

investigation of the vehicle if there is any question as to the identification of the vehicle complained of or authority of the complainant.

In the case of commercial, industrial, and residential multi-family premises the owner/manager must have previously placed a windshield notice on the vehicle demanding that the vehicle must be removed or the matter will be turned over to the police for impoundment and prosecution. The notice should have the date and time of notice on the document itself. The department may assist in providing windshield notices, but any document meeting the notice requirements is sufficient. The department may be contacted after 48 hours has elapsed since the notice was given.

2013 Wisconsin Act 76

Under Wisconsin Act 76, private property owners were granted permission to immediately tow vehicles from their private property if a vehicle is parked contrary to a posted parking restriction sign. This law provides private property owners with the ability to tow vehicles parked on their private property without the owner's consent, at the vehicle owner's expense, and whether or not a parking citation for illegal parking was issued by a law enforcement officer. One of the few restrictions this law requires is that towing companies, contracted by the property owner to remove an illegally parked vehicle, must notify the local law enforcement agency of the make, model, vehicle identification number, registration plate number, and the location to which the vehicle will be removed from. If the Middleton Police Department is notified of a vehicle which will be towed from private property under the provisions of Wisconsin Act 76, the police department shall document and maintain a record of each report, which shall include the vehicle information and the name of the towing company. At a minimum, this information shall be documented in the department's towed vehicle book and a call number should be generated.

Police Pre-Tow Procedures on Street, and Private and Public Property

Upon being assigned to a parking complaint where towing is anticipated, officers should:

1. Obtain or verify complete vehicle description (including registration and VIN), location, and statement of non-consent from private property owner/manager.
2. Determine if the vehicle has been reported stolen, or is wanted as evidence.
3. Mark the vehicle tires to determine if the vehicle does or does not move.
4. Place a windshield notice on the vehicle which states the prohibition against vehicle abandonment, or non-registration, the date the vehicle is subject to impoundment, and the vehicles owner's responsibility for the abandonment, accruing daily storage fees, and all costs of impounding and disposing of the vehicle.
5. Attempt to identify the owner of the vehicle and his/her last known address, using the Wisconsin Department of Transportation and Middleton Police Department records.
6. As a courtesy, attempt to contact the vehicle owner in person, by phone, or with the assistance of another law enforcement agency and notify him/her of the prohibition against vehicle abandonment, the date their vehicle is subject to impoundment, and their responsibility for the abandonment, accruing daily storage fees, and all costs of impounding and disposing of the vehicle. (Failure to make contact is no bar to enforcement or impoundment but an effort must be made. The Middleton Police Department would rather obtain compliance through notification than forced removal).

Tow Procedures

If, after 48 hours, the vehicle remains in the approximate same location, a parking ticket is written and the vehicle towed to the designated place of impoundment by the designated contractor. Reports should be completed within the shift. Reports should include date, time, and place vehicle was towed from as well as name of towing service and impound location. The reason for removal and pending charges if any should be listed. The Communications Center should be informed of pertinent information to be placed in the towed vehicle book. (The towed vehicle book is a reference which quickly identifies past and present police towed vehicles, where they were towed from, current location, and status.)

Post Tow Procedures

If the abandoned vehicle is towed by and to the contracted towing service, the towing service will perform the post tow procedures and collect any towing and storage fees. If the abandoned vehicle is towed to a police facility, the towing charge should be added to the parking citation deposit amount and the following post tow procedure followed:

Owner Re-Acquisition Procedures

The Middleton Police Department will authorize the release of impounded ticketed vehicles when the owner presents satisfactory proof of ownership to the OIC at the Middleton Police Department.

After receiving Middleton Police Department's authorization, the owner may reacquire the vehicle by appearing at the place of storage during business hours. If the court subsequently finds that the vehicle owner is not guilty, the owner may still be liable for towing and storage costs.

Personal property contained in impounded ticketed vehicles may be released to the owner upon satisfactory proof of ownership presented to the OIC. No payment of any kind is required prior to release of personal property. Property shall be released only during business hours.

If the owner of the vehicle has reacquired the vehicle and then fails to appear in court or pay the forfeiture, the Middleton Police Department will initiate registration suspension procedures under 345.28 (4).

Notice to Owner

If the vehicle owner does not contact police to reclaim the vehicle, the department, as soon as practical, but within ten days, shall by certified mail send a notice to the vehicle owner, if any, and lien holder of record, if any, as reflected by Wisconsin DOT records.

The notice shall contain; the violation, date, location, description of the vehicle; license number and VIN; inform the owner of his liability for the violation, accruing daily storage fees, and all costs of impounding and disposing of the vehicle; the place of impoundment; and the owners' rights to reclaim the vehicle, and that failure to exercise these rights to reclaim the vehicle shall be deemed a waiver of all rights, title, and interest in the vehicle and consent to the sale of the vehicle; and the date the vehicle is subject to sale.

Disposition

Each retained vehicle not reclaimed by its owner or lien holder, will be disposed of as soon as practicable ten days after certified mail notification was sent.

If it is deemed by the Police Chief or his/her designee that the total cost of the impoundment exceeds the value of the vehicle, the vehicle may be junked or sold.

If not disposed of as stated above, the abandoned vehicle may be sold by public sale calling for the receipt of sealed bids. Any interested person may offer a bid on each vehicle to be sold. The highest bid for any such vehicle shall be accepted unless the bid is deemed inadequate by the Police Chief or his/her designee, in which event all bids may be rejected. If all bids are rejected or no bid is received, the department may re-advertise the sale, sell the vehicle at a private sale, or junk the vehicle.

A public notice of abandoned vehicle sales shall be posted at the Middleton Police Department and City Hall, prior to any sale. The notice shall include the description of the vehicle, the name(s) and address(es) of the owner and lien holder, if known, the date and time of the sale, bid procedures, minimum bids, and where the vehicle may be inspected. A copy of the certified mail notice sent to the owner and lien holder of record shall be attached to the sale notice. The sale may be advertised.

Post-Disposal Procedures

Upon sale of the abandoned vehicle, the department shall supply the purchaser with a completed Division of Motor Vehicle form enabling the purchaser to obtain a regular certificate of title for the vehicle.

The purchaser shall pay a reasonable storage fee to the department for each day the vehicle remains in storage after the second business day subsequent to the sale.

If the purchaser fails to take possession of the vehicle within ten days of the sale, the purchaser forfeits all interest in the vehicle, it is deemed an abandoned vehicle and may be sold again.

Within five days of the sale or disposal of an abandoned vehicle, the department shall advise the Division of Motor Vehicles of the sale or disposition on the prescribed DMV form (2419-77).