

ORDINANCE NO. 2017-01

AN ORDINANCE TO REPEAL AND RE-CREATE CHAPTER 128 OF THE VILLAGE OF FOX POINT VILLAGE CODE, CONCERNING ABANDONED PROPERTY

WHEREAS, the Village Chief of Police has recommended that Chapter 128 of the Village of Fox Point Village Code be updated to remove duplicate and conflicting provisions and to comply with current State laws; and

WHEREAS, the Village Board of the Village of Fox Point has considered the recommendation of the Village Chief of Police and concurs in the recommendation.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 128 of the Village of Fox Point Village Code entitled, "Property, Lost and Abandoned," is hereby repealed and re-created as follows:

§ 128-1. Village custody of lost, abandoned or seized property.

- A. Applicability. Property which appears to be lost or abandoned, discovered by officers, seized pursuant to a search warrant, turned in to the Police Department by citizens, or turned in to the Police Department by other Village employees or departments, shall be disposed of according to this chapter. Property that is unclaimed for thirty (30) days after it comes into the Village's possession is deemed to be abandoned.
- B. Notice when reasonably possible. The Police Department shall make reasonable efforts to notify the owner that the property is in the custody of the Police Department and may be claimed by contacting the Police Department and providing sufficient proof of ownership, except as described otherwise in this chapter. If no claim for ownership is made within 30 days of the date of such notice, the property shall be disposed of according to this chapter. If no identifying marks are present or the Police Department is unable to reasonably determine who the owner may be, the property shall be taken into custody by the Police Department and disposed of according to this chapter.

§ 128-2. Disposal procedures for particular classes of property. The following classes of property may be disposed as follows.

- A. Seized property, dangerous weapons and ammunition. Property that is subject to Wisconsin Statutes Section 968.20 shall be disposed as described therein.
- B. Illegal or contraband property. Property which cannot be legally possessed shall be destroyed.

- C. Animals. Unclaimed animals are subject to Wisconsin Statutes Section 173.23, which is administered for the Village by the Milwaukee Area Domestic Animal Control Commission (MADACC).
- D. Abandoned Vehicles. Abandoned vehicles shall be disposed of as set forth in the applicable provisions of Chapter 713, Vehicles, Abandoned, of the Code of the Village of Fox Point.
- E. Intoxicating liquor and fermented malt beverages. Intoxicating liquor and fermented malt beverages shall be destroyed.
- F. Incendiary materials. Flammable, explosive, or incendiary substances, materials, or devices that pose a danger to life or property in their storage, transportation, or use may be immediately disposed per Section 66.0139 (3), Wisconsin Statutes.

§ 128-3. Lost property. Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner and which has not been claimed by the former owner within 30 days from the date the Police Department take custody of the property shall not be considered abandoned or unclaimed under this chapter until 30 days after mailing to the person finding the property a notice to claim said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given to the finder. This provision shall not apply to any Village employee finding property in the regular course of employment.

§ 128-4. Method of Disposal.

- A. Property to be disposed pursuant to this chapter may be disposed by any means determined to be in the best interest of the Village which may include public auction, sealed bid, contract, a trade on other property to be acquired by the Village, or retention for the use of the Village. An item of property with a fair market value of \$100 or less may be disposed by the Chief of Police, or the department head responsible for the item, by donation to a nonprofit organization, unless specifically regulated otherwise by Section 128-2, above. Perishable property which deteriorates to a fair market value of less than \$100 shall be destroyed. A sale by public auction may include the sale of items through a website via the Internet, independently or using a third party to assist in the sale of the items. The property shall be sold in an "as-is" condition. Any Village official selling property under this chapter shall maintain for two years an inventory of any property sold, that shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
8. Payment to Village Treasury. All sums received from the sale of property under this chapter shall be paid to the Village Treasury.

SECTION 2: SEVERABILITY.

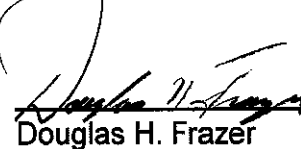
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

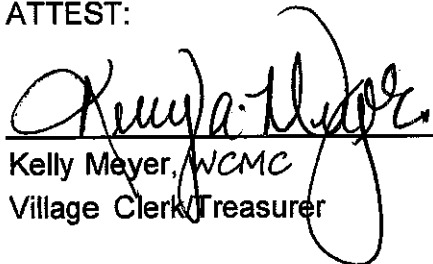
Dated this 9th day of May, 2017.

VILLAGE OF FOX POINT



Douglas H. Frazer
Village President

ATTEST:



Kelly Meyer, WCMC
Village Clerk/Treasurer

Published and/or posted this 15th day of May, 2017.