

**VILLAGE OF THIENSVILLE
OZAUKEE COUNTY, WISCONSIN
ORDINANCE NO. 2021-06
ABANDONED PROPERTY ORDINANCE**

WHEREAS, it is necessary and in the public interest, welfare and safety to enact a process that must be followed if abandoned property is found within the boundaries of the Village;

NOW, THEREFORE, the Village Board of the Village of Thiensville do ordain as follows:

SECTION 1. That the Municipal Code of the Village of Thiensville, Wisconsin, is hereby amended by adding sections to be numbered 30-8 through 30-10, which sections read as follows:

SECTIONS 30-8 through 30-10 are created as follows:

SECTION 30-8. Abandoned property found by a private citizen within the Village of Thiensville

Authority: This section is enacted pursuant to the authority of Wis. Stats. §§ 170.07, 170.08, 170.09, and 170.105.

- (1) If a person finds property or money that has a value of \$25 but less than \$100, and if the owner of the property is unknown, the finder shall, within 5 days after finding the property or money, give a written notice of the found money or goods to the Police Department. The property or money may be turned over to the Police Department for safekeeping. The Police Department shall post a notice of the found property or money in two public places in the Village.
- (2) If a person finds property or money that has a value of \$100 or more, and if the owner of the property is unknown, the finder shall, within 15 days after finding the property of money, give a written notice of the found money or goods to the Police Department. The property or money may be turned over to the Police Department for safekeeping. The Police Department shall post a class 2 notice under Wis. Ch. 985 in the Village.
- (3) *Disposition of property or money found by a private citizen.*
 - (a) If the owner of the found property or money appears within 90 days after notice, the property may be returned to the owner upon paying all the associated costs including a reasonable compensation to the finder for the finder's trouble.
 - (b) If no owner appears within 90 days after notice, the finder of the property or money becomes the owner.

- (1) If the finder of property or money becomes the owner, the finder shall provide satisfactory identification, sign a claimant's receipt for the property or money, and procure an appraisal of the property by an Officer of the Police Department. The appraisal shall be certified by the Chief of Police and maintained as a record in accordance with the Village of Thiensville records retention ordinance.

SECTION 30-9. Abandoned Property

Authority: This section is enacted pursuant to the authority of Wis. Stat. § 66.0139.

(1) *Disposal of Personal Property.*

- (a) The Village of Thiensville by any department head may dispose of personal property, other than cash, that has been abandoned, not needed for evidence or court proceedings, or remained unclaimed for a period of 90 days after taking possession of such property. The property may be retained or disposed of by any means, including but not limited to public auction, that is determined to be in the best interest of the Village by the department head.
- (b) The department head, or designee, shall attempt to return to the rightful owner, if the owner can reasonably be determined, such items of personal property which have substantial value.

(2) *Disposal of Cash.*

Personal property consisting of cash that has been abandoned and is not needed for evidence or court proceedings, or that has remained unclaimed for a period of 90 days after taking possession of such property, shall be turned over to the Village Treasurer and credited to the General Revenue Account. The department head, or designee shall attempt to return to the rightful owner, if the owner can reasonably be determined, such items of personal property consisting of cash which have substantial value.

(3) *Disposal of Seized Cash*

Abandoned or unclaimed personal property consisting of cash which has been seized as part of a controlled substance, controlled substance analog, or marijuana arrest or investigation shall be placed in a Police Department account for use solely for law enforcement activities by the Police Department or, at the discretion of the Chief of Police, by the multi-jurisdictional drug task force. Any funds received as a result of this section shall not be used in any manner to reduce the budget appropriation for the Police Department in any year. For the purpose of this section, "controlled substance,"

“controlled substance analog,” and “marijuana” shall have the meanings defined in Wis. Stat. § 961.01.

- (4) *Abandoned, Unclaimed or Seized Dangerous Weapons or Ammunition.* Abandoned, Unclaimed or Seized Dangerous Weapon(s) or Ammunition may be disposed of only under Wis. Stat. § 968.20
- (5) *Disposal of Abandoned or Unclaimed Flammable, Explosive or Incendiary Substance, Materials or Devices*
 - (a) Any Village employee may safely dispose of abandoned or unclaimed flammable, explosive or incendiary substance, materials or devices that pose a danger to life or property in their storage, transportation, or use immediately after taking possession of the substance, materials, or device without a public auction.
 - (b) If the substance, materials or device appears to be or is reported stolen, an attempt to return the substance, materials or device to its rightful owner shall be made.
 - (c) If the substance, materials or device appears to have a commercial value and does not pose an immediate threat to life or property, an attempt to return the substance, materials or device to its rightful owner shall be made.
- (6) *Records to be Kept*
 - (a) If the disposal of the property is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the Village Treasurer.
 - (b) If the property is not disposed of in a sale open to the public, the department head shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of not less than 2 years from the date of disposal of the property.

SECTION 30-10. Penalty. Violation of this section can and will result in the imposition of penalties according to Section 1-15.

SECTION 2. SEVERABILITY. The provisions of this Ordinance are severable. If any provision of this Ordinance is found to be void or unconstitutional by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance which will be deemed in full force effect.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication according to state law.

PASSED AND ADOPTED this _____ day of _____, 2021.

Van A. Mobley, Village President

ATTESTED TO:

Amy L. Langlois, Village Clerk

Published: _____