

8.44 LOST OR ABANDONED PROPERTY.

- (1) Charter Ordinance. By this ordinance, the City of Madison is exercising its authority under Article XI, sec. 3 of the Wisconsin Constitution, Wis. Stat. § 66.0101, and Wis. Stat. § 62.11(5). The City of Madison hereby determines not to be covered by the provisions of Wis. Stat. §§ 66.0139 and 170.105, with respect to lost or abandoned property. The City adopts this Charter Ordinance to create uniform rules for the treatment of lost or abandoned property that comes into the possession of city employees, officials or agents, and for the safety of the public in identifying and removing packages left in public places.
- (2) Definitions. For the purpose of this ordinance, the following definitions apply:
- (a) "Lost Property" means personal property, money or chattels that have been lost or abandoned or left on public property without the permission of the public owner. Lost property does not include (i) items left on the terrace or in garbage or recycling containers for the scheduled sanitation pick up, (ii) items seized as evidence in police investigations, or (iii) automobiles or bicycles, which are covered by Secs. 12.128(4) and 12.761, MGO, respectively.
- (b) "Appropriate City Agencies" shall mean the Madison Police Department, Madison Fire Department, and any of the Divisions of the Department of Public Works and Transportation (Parks, Water Utility, Engineering, Streets, Madison Metro, Traffic Engineering and Parking).
- (3) Requirement.
- (a) Except as provided in Subdivision (b), if any City employees, officials or agents obtain possession of Lost Property within the scope of their public duties, the Lost Property shall be turned over to one of the Appropriate City Agencies.
- (b) City employees, officials or agents may immediately dispose of Lost Property that either
1. Has an estimated aggregate replacement value of fifty dollars (\$50) or less;
 2. Consists of contraband or any dangerous materials, including flammable, explosive or incendiary materials, or other materials that pose a danger to persons or property;
 3. Is perishable;
 4. Poses a public health risk; or
 5. Has no sentimental, medical or legal value. Sentimental items of value include but are not limited to photographs, family bible, jewelry, letters, drawings or children's art.
- (4) The Appropriate City Agencies shall develop, within six (6) months of the effective date of this ordinance, uniform city-wide procedures for the notification of the City's impending removal of the Lost Property (where applicable) and the holding and disposal of Lost Property subject to Subsection (3)(a). The procedures shall include the following elements:
- (a) Preparation and retention of an electronic log of Lost Property obtained and disposed of, to include a description of the property, where it was obtained, and how the property was disposed.
- (b) Maintain a posting in one identified place in the City-County Building, with instructions for locating and accessing the electronic log of Lost Property.
- (c) A method of ascertaining whether a person claiming Lost Property has reasonably demonstrated a right to the property, and a record of any Lost Property returned to such person.

(d) The methods of disposal of Lost Property that has remained unclaimed for a period of forty-five (45) days after acquisition of the property, which may include public auction, sale of the property through the Internet, transfer to non-profit entities, disposal as waste, or other reasonable methods of disposal. For purposes of disposal of the property, property that has remained unclaimed for a period of forty-five (45) days becomes the property of the City. For purposes of this subparagraph, Madison Metro may dispose of property that remains unclaimed after fourteen (14) days of acquisition.

(5) Property found by members of the public is subject to Wis. Stat. §§ 170.07-170.10.

(6) This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5).

(Sec. 8.44 Cr. by CHA-13-00004, Pub. 7-26-13, Eff. 9-20-13)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Lost and Abandoned Property

Eff. Date 02/25/2015

Pursuant to the requirements of Madison General Ordinances Sec. 8.44, Lost or Abandoned Property, the Madison Police Department (MPD) has developed the following procedures to provide guidance when to take possession of lost property and how to handle such property once it is recovered.

“Lost Property” means personal property, money or other movable property that have been lost or abandoned or left on public property without the permission of the public owner. Lost property does not include items left on the terrace or in garbage or recycling containers for the scheduled sanitation pick up, items seized as evidence in police investigations, or automobiles or bicycles.

Determining that an item is lost is subjective and MPD staff is tasked to evaluate the facts and circumstances surrounding unattended items and make an educated judgment on the appropriate disposition. When in doubt, MPD staff should err on the side of treating the item as lost property and subject to MGO 8.44, unless doing so would be detrimental to personal or public safety.

Pursuant to the provisions of MGO 8.44, MPD staff is authorized to immediately dispose of lost property that either:

1. Has an estimated aggregate replacement value of fifty dollars (\$50.00) or less;
2. Is perishable;
3. Poses a public health risk; or,
4. Has no sentimental, medical or legal value. Sentimental items of value include but are not limited to photographs, family bible, jewelry, letters, drawings or children’s art.

The immediate disposal of items with sentimental medical or legal value that are estimated to be valued at fifty dollars (\$50.00) or less is permissible, but consideration to the nature and condition of the lost property should be taken when determining the appropriateness for disposal or recovery.

Before MPD staff takes custody of lost property, an attempt must be made to notify the rightful owner of the MPD’s intent to take possession of the lost property. Notice will not be required when an item, in the opinion of MPD staff, presents a danger to the public health or welfare, or where such a notice would be impractical or ineffective. The appropriateness of notification should depend on the value of the lost property and the duration of time the property appears to have been unattended.

If it is determined that notification is appropriate such notice shall allow for not less than 1 hour and no more than 72 hours before MPD takes possession of the property.

Once MPD takes possession of the lost property, it must be searched for contraband and perishable items. The property will then be packaged and entered into the records management system in accordance with MPD packaging guidelines.

ON PRIVATE PROPERTY

1. Make a determination as to whether the property is lost or abandoned property.
2. If it is determined that the property is indeed lost or abandoned, notify the property owner or designee that every effort will be made to assist in determining ownership and contact of the property owner.
3. Leave the property with the owner or designee of the private property.

(Reviewed Only: 01/09/2017)



Madison Police Department

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LOST OR ABANDONED PROPERTY NOTICE

PURSUANT TO THE REQUIREMENTS OF MADISON GENERAL ORDINANCE SEC. 8.44, THE PROPERTY AT THIS LOCATION HAS BEEN DEEMED LOST OR ABANDONED.

THE PROPERTY SHALL BE REMOVED BY (DATE) _____ AT (TIME) _____ (AM/PM) OR SUCH PROPERTY WILL BE COLLECTED BY MALL MAINTENANCE STAFF. PROPERTY REMOVED WILL BE EVALUATED FOR STORAGE BY THE MADISON PARKS DEPARTMENT- MALL MAINTENANCE.

PERSONS MAY CONTACT THE CITY OF MADISON PARKS DEPARTMENT IN THE CITY COUNTY BUILDING SUITE 104 FOR INQUIRES RELATED TO LOST/ABANDONED PROPERTY.

MADISON GENERAL ORDINANCE 9.54

RE: PLACING ARTICLES ON SIDEWALK OR TERRACE PROHIBITED

DATE:

TIME:

IBM:



**CITY OF MADISON
POLICE DEPARTMENT** (<http://www.cityofmadison.com/police/>)

Lost & Abandoned Property

Pursuant to the requirements of Madison General Ordinances Sec. 8.44, Lost & Abandoned Property, the Madison Police Department (MPD) will post a list of found items collected by officers and logged into our Records Management System.

The found items with no known owner will be held by MPD for 45 days and will be listed below.

If you believe that one of these items belongs to you, you must reasonably demonstrate a right to the property by contacting the Property Room at 211 S. Carroll St GR-4 or by phone at 608-266-4955. MPD will document who the found property was returned to.

- Found Property Report

Contact Property Room

(<http://www.cityofmadison.com/police/contact/contact.cfm#property>)

»»Property Room

(<http://www.cityofmadison.com/police/support/records/propertyroom.cfm>)

Property Room and Property Auction

(<http://www.cityofmadison.com/police/support/records/propertyroom.cfm>)

Lost & Abandoned Property

(<http://www.cityofmadison.com/police/support/lostProperty.cfm>)

Report an Abandoned Bicycle

(<http://www.cityofmadison.com/reportaproblem/abandonedbicycle.cfm>)