



Legislation Text

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Fiscal Note

In 2009, the Madison Police handled 2,000 items of found property. Agency staff have indicated that this number could increase significantly, possibly doubling, with the proposed ordinance change. The Police anticipate the need for an additional property room staff member to manage the abandoned or found property, with starting salary and benefits totaling \$54,437. Additional storage space would also be requested. Additional computer software and computer hardware would also be sought to meet the proposed ordinance's requirements to publicize and maintain the records of the property.

The Parks and Engineering agencies also anticipate increased costs as a result of this ordinance change. These agencies are currently in the process of determining funding needs.

Title

CHARTER ORDINANCE Creating Section 8.32 of the Madison General Ordinances to establish rules for the treatment of lost or abandoned property found on public property.

Body

DRAFTER'S ANALYSIS: Several state statutes establish procedures for treating lost or abandoned property. The procedures date from many years ago, and often make distinctions based on whether property is "lost" or "abandoned."

By this charter ordinance, the City opts out of those statutes and establishes a uniform procedure for treatment of property left on public property. The ordinance requires uniform procedures be adopted within 6 months of adoption, and describes the elements required in any such procedures.

The Common Council of the City of Madison do hereby ordain as follows:

Section 8.32 entitled "Lost or Abandoned Property" of the Madison General Ordinances is created to read as follows:

"8.32 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.
- (2) Definitions. For the purpose of this ordinance, the following definitions shall 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, with a value of greater than twenty-five dollars (\$25). 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, (iii) contraband or any dangerous materials, including flammable, explosive or incendiary materials, other materials that pose a danger to persons or property, or materials that pose a health risk, or (iv) 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 Parks Department, Madison Water Utility, Madison Engineering Department and Madison Streets Department.
- (3) 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.

- (4) The Appropriate City Agencies shall develop, within six (6) months of the effective date of this ordinance, and shall review and revise as necessary at least every two (2) years, uniform procedures for the holding and disposal of Lost Property that shall include the following elements:
 - (a) Preparation and retention of a log of Lost Property obtained and disposed of, to include a description of the property, where it was obtained, that the notices set forth in this ordinance were met, and how the property was disposed.
 - (b) Posting in the City's public park shelters of information, in English and Spanish, about where to contact the City if a person has lost property and wishes to claim the Lost Property.
 - (c) Posting on a City website or websites, for a period of no less than thirty (30) days after acquisition of Lost Property, of the nature of the Lost Property, where it was obtained, and where to contact the City to claim the Lost Property.
 - (d) Posting in one identified place in the City-County Building, for a period of no less than thirty (30) days after acquisition of Lost Property, of a printed copy of the information about Lost Property posted on the City website(s).
 - (e) 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.
 - (f) The methods of disposal of Lost Property which has remained unclaimed for a period of thirty (30) days after posting of the notices on the City website(s) and in the City-County Building, which may include public auction, sale of the property through the internet, transfer to non-profit entities, disposal as waste, or other reasonable method of disposal.
- (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)."