File #: 12176, **Version:** 1

Fiscal Note

Adoption of this ordinance will result in additional costs and the reallocation of available staff time to post notices and store presonal property, although no estimate has been made regarding the magnitude of such additional costs or staff time commitment. No provision has been made for any such costs in the 2008 Adopted or 2009 Executive budgets.

Title

Creating Section 8.32 of the Madison General Ordinances to create policies and procedures for removal of personal property from public lands.

Body

DRAFTER'S ANALYSIS: This requires that City agencies that deal with the homeless who leave personal property on public lands develop a policy for humane treatment in the removal of property of homeless individuals from public property. It requires that notices written in English and Spanish be posted by city staff providing notice of their intention to remove personal property from the public property, and that copies of such notices be provided to designated agencies serving the homeless. City staff are required to store the personal property of homeless individuals for a minimum of 90 days, unless the property is in unsanitary condition. An exception to the 72-hour notice and 90-day storage requirement is provided where illegal activities are occurring or in the event of an exceptional emergency with possible site contamination by hazardous materials or an immediate danger to human life or safety.

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

1. Section 8.32 entitled "Removal of Personal Property on Public Property" is hereby created to read as follows:

"**8.32 REMOVAL OF PERSONAL PROPERTY ON PUBLIC PROPERTY.**

(1) "Homeless" means persons who lack a fixed, regular, and adequate nighttime residence and includes:
   (a) persons who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
   (b) persons who are living in emergency or transitional shelters, and
   (c) persons who are living in cars, parks, public spaces, abandoned buildings, bus stations, or similar settings."

(2) All City agencies that have contact with homeless persons, as defined in Sec. 8.32, MGO, who store personal belongings on public property, including but not limited to the Madison Police Department, the Parks Department, the Engineering Department and the Department of Planning and Community and Economic Development shall develop written policies that recognize the social nature of the problems faced by homeless persons and shall implement the following policies to ensure the most humane treatment for removal of the property of homeless persons from public property.
   (a) Prior to removing the personal property of homeless persons from public property, city staff shall post a notice, written in English and Spanish, 72 hours in advance, at the site providing notice of their intention to remove the personal property of homeless persons from the site and shall state where the personal property will be available and how it may be obtained. The sign shall remain posted at the site until 72 hours after the removal.
   (b) At the time that a 72-hour notice is posted, city staff shall inform the local agency designated under Subd. (2)(f) where the notice has been posted, transmitting an

electronic copy of the notice to the agency stating the time and location of the proposed removal.

(c) The local agency designated under Subd. (2)(f) may arrange for outreach workers to visit the site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(d) Except as provided in Sub. (3), herein, all unclaimed personal property shall be stored whether 72-hour notice is required or not. The property shall be stored for a minimum of 90 days during which it will be returned to any person making a reasonable claim of ownership of the property. City staff may require that any person taking personal property provide some identifying information so that the person may be contacted if another person later claims ownership of the property. Any personal property that remains unclaimed for 90 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to police.

(e) Following the removal of homeless persons' property from public property, the city staff, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy. Any changes made to the policy shall be filed with the Clerk's Office.

(f) The Community Development Block Grant Office of the Department of Planning and Community and Economic Development shall designate a governmental or nonprofit agency or agencies that deliver social services to homeless persons to receive the notices required under this Section.

(3) The 72-hour notice and 90-day storage required under subsection (2) of this section shall not apply:

(a) When there are grounds for city staff to believe that illegal activities that constitute misdemeanors or felonies are occurring.

(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human health, life, safety or property."