

ORDINANCE NO. 1801

ORDINANCE REPEALING AND RECREATING SECTION 4.10 POWERS AND DUTIES OF THE POLICE CHIEF AND CREATING SECTION 4.14 PROCEDURE FOR THE DISPOSAL OF ABANDONED OR UNCLAIMED PERSONAL PROPERTY

WHEREAS, the Kaukauna Police Department has seen a large influx of vaping devises being confiscated from minors since adopting Ordinance 1781, and;

WHEREAS, the City of Kaukauna currently does not have an ordinance allowing the Kaukauna Police Department to dispose of abandoned, unclaimed or dangerous personal property, and;

WHEREAS, a report from the U.S. Fire Administration has stated that electronic vaping devises are highly explosive as the battery can malfunction and behave like a “flaming rocket”, and;

WHEREAS, Wis. Stat. §968.20(4) states “Any property seized, other than property covered under s. 968.205, that poses a danger to life or other property in storage, transportation or use and that is not required for evidence or further investigation shall be safely disposed of upon command of the person in whose custody they are committed. The city, village, town or county shall by ordinance or resolution establish disposal procedures. Procedures may include provisions authorizing an attempt to return to the rightful owner substances which have a commercial value in normal business usage and do not pose an immediate threat to life or property. If enacted, any such provision shall include a presumption that if the substance appears to be or is reported stolen an attempt will be made to return the substance to the rightful owner”, and;

WHEREAS, an ordinance allowing the Kaukauna Police Department to dispose of abandoned, unclaimed or dangerous personal property serves the interests of safety and security of the citizens and employees of the City of Kaukauna; and;

WHEREAS, the Common Council of the City of Kaukauna does ordain as follows:

Section 4.10 (10) is repealed and recreated to read:

4.10 (10) The Chief of Police or his designee shall dispose of abandoned or unclaimed personal property in a manner prescribed by this Code and the Wisconsin Statutes.

Section 4.14 is created to read:

4.14 DISPOSAL OF ABANDONED OR UNCLAIMED PERSONAL PROPERTY.

The Chief of Police or his designee shall dispose of personal property abandoned or unclaimed for a period of thirty (30) days, in the following manner:

(a) Public auction if deemed in the best interest of the City of Kaukauna. A Class 1 notice pursuant to Chapter 985 Wisconsin Stats. Shall be published in the official newspaper. The Chief shall first attempt to return all articles to the rightful owner.

(b) Without public auction if the Chief deems a private sale or disposal to be in the best interest of the City of Kaukauna. If at private sale, the Chief shall request offers from persons experienced and knowledgeable in the purchase and sale of the article in question. The Chief shall first attempt to return all articles to the rightful owner. If sold, the Chief shall maintain an inventory of such property; a record of the date and method of disposal, including the consideration received for the property, and the name and address of the person taking possession thereof. Such inventory shall be kept as a public record for two (2) years from the date of disposal. If disposal is in the form of sale, all receipts from such sale, after deducting necessary expenses of keeping the property and conducting each sale, shall be paid into the City treasury.

(c) Without public auction, if such property is flammable, explosive or incendiary substance, material or device posing a danger to life or property in their storage, transportation or use, immediately after taking possession thereof. The means of disposal shall be determined by the Chief of Police, be not contrary to Law and be by a means least posing a danger to life or property. If such substance, material or device has commercial value and does not impose immediate threat to life or property, the Chief of Police may, and if reported stolen shall, attempt to return the same to the rightful owner.

(d) If firearms or ammunition, pursuant to Wisconsin Statutes, Section 66.28(4) and 968.20(4).

This ordinance shall be in full force and effect from and after December 3, 2019.

APPROVED: _____


Anthony J. Penterman, Mayor

ATTEST: Sally A. Kenney
Sally Kenney, Clerk-Treasurer

Adopted: 12/03/19
Published: 12/11/19