



Legislation Text

File #: 120871, Version: 1

120871 SUBSTITUTE 1

ALD. MURPHY

A substitute ordinance relating to disposal of abandoned personal property on city-owned real estate managed by the department of city development.

304-50-7 am

304-50-9.5 rc

308-5 cr

This ordinance establishes policies and procedures relating to the disposal of abandoned personal property on city-owned real estate managed by the department of city development, as authorized by state statutes. It also makes related revisions to policies and procedures regarding vacation of in rem judgments.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 304-50-7 of the code is amended to read:

304-50. Vacation of In Rem Judgment.

7. The department of city development has submitted a report to the city clerk which >>: << indicates ~~[[whether any of the properties is located in an existing or planned project area; whether any is suitable for any public program or use; [[whether any is vacant or occupied]]~~ >> identifies occupied parcels << ; ~~[[and which]]~~ lists total costs incurred or to be incurred by it with respect to each property, including but not limited to ~~[[repair costs, razing charges, expenses associated with environmental matters and property management [[fees]]~~ >> ; identifies occupant, lease and personality issues or concerns, if any; and identifies known acquisition interest by others, if any << .

Part 2. Section 304-50-9.5 of the code is repealed and recreated to read:

9.5. The common council, in its discretion, reserves the right to disapprove vacation of in rem judgment as to any property. The common council may, in its discretion, condition its approval of vacation of an in rem judgment. Conditions may include, among other things, owner acceptance, without claim, of city disposition of personality, as allowed by state or local law.

Part 3. Section 308-5 of the code is created to read:

308-5. Disposal of Abandoned Personality on City-Owned Real Estate. 1. CONTROL AND DISPOSITION OF UNCLAIMED OR ABANDONED PERSONALTY. For personality abandoned or unclaimed for 30 days after taking possession of same by the city, on city-owned real estate managed by the department of city development under s. 308-1, the city may, in accordance with s. 66.0139 (2), Wis. Stats., dispose of the same by any means determined to be in the best interest of

the city, as determined by the department of city development, including disposal by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use. If the personalty is not disposed of in a sale open to the public, the city, by its department of city development, shall maintain the inventory and record required by s. 66.0139 (2), Wis. Stats. Pursuant to s. 66.0139 (2), Wis. Stats., if the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city.

2. ABANDONED TENANT PERSONALTY. a. For any personalty of a city tenant abandoned under s. 704.05, Wis. Stats. on city-owned real estate managed by the department of city development under s. 308-1, sub. 1 does not apply, and disposal of the personalty by the city shall be by any means determined to be in the best interest of the city, as determined by the department of city development. If the personalty is prescription medication or prescription medical equipment, the department of city development shall meet the holding and return requirements in s. 704.05 (5)(am), Wis. Stats. If the personalty is a manufactured home, a mobile home, or a titled vehicle, the department of city development shall give the notice required by s. 704.05 (5)(b)2, Wis. Stats.

b. Disposal may be by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use.

c. If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city, unless the common council, by resolution, directs the same to be sent to the Wisconsin department of administration, pursuant to s. 704.05 (5) Wis. Stats., for deposit in the appropriation under s. 20.505 (7)(h), Wis. Stats.

3. OTHER RIGHTS. The rights and remedies in this section are not exclusive and do not prevent the city from resorting to other available rights at law, including other rights in ch. 704, ch. 795 and s. 799.45, Wis. Stats.

4. EXCEPTIONS. The provisions of this section are not applicable to dispositions under s. 66.0139 (3), (4) or (5), Wis. Stats. or under s. 105-65, 105-122, s. 105-123, s. 110-36 or s. 310-29 of the code.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB143638-1

JDO
10/22/2012