



Legislation Text

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080490
ORIGINAL

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An ordinance relating to control of obsolete material and unclaimed and abandoned goods.

105-122-1-c rc

310-29 rc

This ordinance repeals and recreates code provisions relating to control of obsolete material and unclaimed and abandoned goods. These revisions streamline the department of administration process for control and disposition of obsolete material and unclaimed and abandoned goods and bring the ordinance into compliance with s. 66.0139, Wis. Stats (disposal of abandoned property). In addition to the revisions a provision is added to include property sold on the city's behalf by a third party auction, including an Internet auction.

This ordinance also amends the police department's abandoned and unclaimed property provisions to include references to the department of administration process for disposition of unclaimed and abandoned goods.

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

Part 1. Section 105-122-1-c of the code is repealed and recreated to read:

105-122. Seized Firearms or Ammunition, etc.

1. ABANDONED OR UNCLAIMED PROPERTY.

c. Other Personal Property. Except for abandoned motor vehicles and trailers, the chief of police may dispose of all other personal property in the chief's custody which has been abandoned or which remains unclaimed for a period of 30 days after acquisition by the chief by using an Internet auction service contracting with the department of administration. The proceeds of such sales shall be paid to the city treasurer. The chief of police may dispose of abandoned or unclaimed property by other means set forth in s. 310-29 only with prior authorization of the department of administration and in accordance with the requirements of s. 310-29-2 to 4. Property delivered to the department of administration for disposition shall be disposed of by the department of administration in accordance with s. 310-29. Abandoned motor vehicles and trailers shall be disposed of in accordance with s. 105-65.

Part 2. Section 310-29 of the code is repealed and recreated to read:

310-29. Control of Obsolete Material and Abandoned and Unclaimed Goods.

1. CONTROL AND DISPOSITION OF OBSOLETE MATERIAL.

a. Control. Whenever any property belonging to the city except land, shall have become obsolete, disused, worn out or scrapped, the department of administration shall take charge and control of such property and shall determine the method of disposal of such property. All responsible administrative heads of each department and board in connection with the city shall request direction from the department of administration when they identify materials, supplies or equipment which are no longer used or which have become obsolete, worn out or scrapped.

b. Disposition. If any of the material, equipment or supplies can be used by any other municipal department or the Milwaukee public schools, the department of administration is authorized to make such material, equipment or supplies available for use in that department. If the material, equipment or supplies because of its condition can no longer be used for municipal purposes, the department of administration may dispose of the same by any of the following means set forth in sub. 2-b as determined by the department to be in the best interest of the city.

2. CONTROL AND DISPOSITION OF UNCLAIMED AND ABANDONED PROPERTY.

a. Control. In accordance with s. 105-122, the department of administration shall determine the method of disposal of unclaimed or abandoned property identified as such by the chief of police with the exception of abandoned or unclaimed property to be sold on the city's behalf by an Internet auction service.

b. Disposition. The department of administration may, pursuant to s. 66.0139, Wis. Stats., dispose of any such abandoned or unclaimed property by any of the following means determined by the department to be in the best interest of the city:

b-1. The property may be sold at a public auction, including the city's Internet auction site or an Internet auction service contracting with the city.

b-2. The property may be sold without a public auction at a sale open to the public.

b-3. The property may be sold in a private sale through an agreed-upon amount of sale.

b-4. The property may be retained by the city for its own use.

b-5. The property may be donated.

b-6. The property may be destroyed.

b-7. The property may be used in trade on other property to be acquired.

c. Record Keeping. If the property is not disposed of in a sale open to the public, the department of administration shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of not less than 2 years from the date of the disposal of the property.

3. SALE PROCEEDS. The proceeds of all sales under this section shall be paid to the city treasurer and credited to the general ledger, except proceeds of sales of obsolete equipment from an enterprise funded department shall be credited to the enterprise funded department.

4. EXCEPTIONS. The provisions of this section, however, are not applicable to the disposition of unclaimed or abandoned flammable, explosive or incendiary devices, unclaimed or abandoned firearms or ammunition, unclaimed or abandoned motor vehicles or trailers and unclaimed or abandoned shopping carts.

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:_____

DOA-BOD
LRB07480-1
AEH
7/11/2008