

**CITY OF WEST ALLIS
ORDINANCE O-2025-0065**

**ORDINANCE CREATING ALTERNATE MEANS OF DISPOSAL FOR ABANDONED
PROPERTY**

AMENDING SECTION 4.23

WHEREAS, Wis. Stat. 66.0139(2) says a "political subdivision may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days, after the taking of possession of the property by an officer of the political subdivision by any means determined to be in the best interest of the political subdivision"; and

WHEREAS, the chief of police often comes into possession of abandoned property for which there is no owner and it is the common council's intent to authorize the chief to determine what is in the best interests of the City when it comes to disposing of abandoned property; and

WHEREAS, Wis. Stat. 66.0139 requires the City to keep records of alternate disposition for abandoned property for 2 years to ensure a process for potential owners to come forward;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** "4.23 Disposition Of Abandoned And Unclaimed Property By The Police Department" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

4.23 Disposition Of Abandoned And Unclaimed Property By The Police Department

The chief of police may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days after the taking of possession of the property by an officer of the City pursuant to Wis. Stat. 66.0139 and in the following manner:

1. Generally. Except as described below, the chief of police may retain that abandoned property for official use or sell that abandoned property by public auction, by competitive biddings, by consignment, or through acceptance of an offer to purchase and retain the proceeds for official use. The chief of police shall utilize the disposition that the chief deems to be in the best interest of the City. If the property has a market or commercial value of less than \$200, the chief of police may destroy the property in lieu of selling it.

2. Volatile Items. The chief of police may safely dispose of flammable, explosive, or incendiary substances, materials, or devices that pose a danger to life or property in their storage, transportation, or use immediately after taking possession in the manner deemed appropriate by the chief of police, except if any of the following applies:
- a. the substance, material, or device is one that has a commercial value in normal business usage and does not pose an immediate threat to life or property, the chief of police may attempt to return it to the rightful owner.
 - b. If the substance, material, or device appears to be or is reported stolen, the chief of police shall attempt to return it to the rightful owner.
 - c. If the substance, material, or device is a firework, Wis. Stat. 167.10(8)(b) shall apply.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COMMON COUNCIL
AUGUST 12, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	<u>X</u>	_____	_____	_____
Ald. Kimberlee Grob	<u>X</u>	_____	_____	_____
Ald. Chad Halvorsen	<u>X</u>	_____	_____	_____
Ald. Marissa Nowling	<u>X</u>	_____	_____	_____
Ald. Suzzette Grisham	<u>X</u>	_____	_____	_____
Ald. Danna Kuehn	<u>X</u>	_____	_____	_____
Ald. Dan Roadt	<u>X</u>	_____	_____	_____
Ald. Patty Novak	<u>X</u>	_____	_____	_____
Ald. Kevin Haass	<u>X</u>	_____	_____	_____
Ald. Marty Weigel	<u>X</u>	_____	_____	_____

Attest

Tracey Uttke

Tracey Uttke, City Clerk, City Of West
Allis

Presiding Officer

Dan Devine

Dan Devine, Mayor, City Of West
Allis

