

**CHAPTER 11**

Abandoned and Seized Property  
(Adopted 2022-13 – 07/11/22)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
5-11-1	Abandoned Property		
5-11-2	Penalty		
5-11-3	Severability.		

**SEC. 5-11-1 ABANDONED PROPERTY**

- (a) **Authority.** This section is enacted pursuant to the authority of Wis. Stat. § 66.0139.
- (b) **Findings; Intent.** It is necessary and in the public interest, welfare and safety to enact a process that must be followed as to the disposition of abandoned property that is found within the boundaries of the Village and comes to be in possession of a Village department.
- (c) **Disposal of Personal Property.**
  - (1) The Village of Caledonia by any department head may dispose of personal property, other than cash, that has been abandoned, not needed for evidence or court proceedings, or remained unclaimed for a period of 30 days after taking possession of such property. The property may be retained or disposed of by any means that is determined to be in the best interest of the Village by the department head (i.e. donation, public or internet auction, converted to department use, etc).
  - (2) The department head, or designee, shall attempt to return to the rightful owner, if the owner can reasonably be determined, such items of personal property which have substantial value.
- (d) **Disposal of Abandoned Cash.**
  - (1) Personal property consisting of cash that has been abandoned and is not needed for evidence or court proceedings, or that has remained unclaimed for a period of 5 years after taking possession of such property, shall be disposed of according to the Revised Uniform Unclaimed Property Act under Chapter 177, Wis. Stats.
  - (2) The department head, or designee shall attempt to return to the rightful owner, if the owner can reasonably be determined, such cash prior to disposal per subsection (1) above.

(e) **Disposal of Seized Cash.**

- (1) For the purpose of this section, “controlled substance,” “controlled substance analog,” and “marijuana” shall have the meaning defined in Wis. Stat 961.01.
- (2) Abandoned or unclaimed personal property consisting of cash which has been seized as part of controlled substance, controlled substance analog, or marijuana arrest or investigation shall be held by the Police Department until such time that the municipality or the rightful owner of the abandoned or unclaimed seized cash brings a forfeiture proceeding for its disposal or recovery per Wis. Stat. § 968.20 or § 961.555.
- (3) If the funds were seized pursuant to state or federal asset forfeiture proceedings, the funds will be maintained pursuant to the requirements associated with the forfeiture laws. Federal Asset forfeiture funding may only be used for items deemed a “permissible use” as outlined in the current Federal Equitable Sharing guidelines. Any funds received as a result of this section shall not be used in any manner to reduce the budget appropriation for the Police Department in any year.

(f) **Abandoned, Unclaimed or Seized Dangerous Weapons or Ammunition.**

- (1) Abandoned or Unclaimed or Seized Dangerous Weapon(s) or Ammunition may be disposed of in accordance with the procedure set forth in Wis. Stat. § 968.20.
  - a. If the dangerous weapons or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, the village shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the dangerous weapon or ammunition of the application requirements set forth in Wis. Stat. § 968.20(1).
  - b. If, within 30 days after the notice, an application is not made and the seized dangerous weapon(s) or ammunition is not returned by the officer, the village may retain the dangerous weapon(s) or ammunition and authorize its use by a law enforcement agency, provided the dangerous weapon was not used in the commission of a homicide, or is a handgun as defined in Wis. Stat. § 175.35(1)(b).
  - c. If a dangerous weapon other than a firearm is not retained by the village, the village or custodian shall safely dispose of the dangerous weapon or sell the weapon if that weapon is a motor vehicle.
  - d. If a firearm or ammunition is not retained by the village, the village or custodian shall ship the firearm or ammunition to the state crime laboratories and it is then property of the laboratories.

(g) **Disposal of Abandoned or Unclaimed Flammable, Explosive or Incendiary Substance Materials or Devices.**

- (1) Any Village employee, at the direction of the Chief of Police or his designee, may safely dispose of abandoned or unclaimed flammable explosive or incendiary

substance, materials or devices that pose a danger to life or property in their storage, transportation, or use immediately after taking possession of the substance, materials or device without a public auction.

- (2) If the substance, materials or device appears to be or is reported stolen, an attempt to return the substance, materials or device to its rightful owner shall be made.
- (3) If the substance, materials or device appears to have a commercial value and does not pose an immediate threat to life or property, an attempt to return the substance, materials or device to its rightful owner shall be made.

**(h) Records to be kept.**

- (1) If the disposal of the property is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the Village Treasury.
- (2) If the property is not disposed of in a sale open to the public, the department head 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 disposal of the property.

**SECTION 5-11-2. PENALTY.**

Violation of any provision of this Chapter can and will result in the imposition of penalties according to Section 1-1-6 of this Code of Ordinances.

**SECTION 5-11-3. SEVERABILITY.**

The provisions of this Ordinance are severable. If any provision of this Ordinance is found to be void or unconstitutional by a court of competent jurisdiction, such finding shall not affect the remaining portions of this ordinance which will be deemed in full force effect.