

CHAPTER 5

Lost, Abandoned and Surplus Property

- § 3-5-1 Disposal of Surplus Village Property
- § 3-5-2 Lost and Abandoned Property

SEC. 3-5-1 DISPOSAL OF SURPLUS VILLAGE PROPERTY.

(a) DEFINITIONS.

- (1) "Surplus Village Property" is that property which is owned by the Village of Prairie du Sac, Wisconsin, which has no further usefulness to the Village of Prairie du Sac, and which is determined as being surplus pursuant to (b) below. An item of property shall be considered to have no further usefulness when:
 - a. The item or its function has been totally replaced by other Village property and no probable future function exists for it; or
 - b. The Village no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - c. the item is no longer able to reliably or economically perform the work required of it.
- (2) Surplus property as defined in this Chapter shall not include land or buildings but shall include equipment, fixtures and such salvage items as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Village property shall not include property which is obtained by the Village as a result of abandonment or loss by the property's original owner. Surplus Village property shall not include items of property which are traded in for newer items. Surplus Village property shall not include library materials used by the public library for lending purposes.

(b) DETERMINATION OF SURPLUS VILLAGE PROPERTY. Department heads shall make determination of surplus property pursuant to (a) above, except items having a present fair market value of \$10,000 or more shall not be disposed of without Village Board approval unless they have been:

- (1) Scheduled for replacement and approved as part of the budget process.
- (2) Been damaged and declared a total loss by the Village's insurance company.

(c) DISPOSITION OF SURPLUS VILLAGE PROPERTY.

- (1) Whenever an item of property is determined to be surplus Village property, the department head responsible for the item shall dispose of the property by one of the following means:
 - a. Reallocation from one Village department to another.
 - b. Donation to a nonprofit organization within the Sauk Prairie School District or to a governmental agency.
 - c. Sale through means of sealed bid or public auction. On-line auctions open to the public are considered public auctions for this section.
 - d. Trade-in against replacement equipment.
 - e. Sale as scrap for salvage value.
 - f. Discard as refuse or trash if the fair market value is less than \$1,000.
- (2) Upon convenience of the surplus property, the department head responsible for the item shall determine the time in which the item must be removed from Village property. In the event the item is not removed within that time, the sale or convenience is deemed rescinded; and any funds paid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as

determined by the department head. In any means of disposition under (c)(1) above, the item will be conveyed in an “as is condition.”

- (3) The Village reserves the right to waive any procedural irregularities with respect to the notice, bidding and auction process, whenever the Village Administrator determines that the best interests of the Village will be served thereby. The Village may reject any or all bids, may direct a rebid, and may elect to not dispose of the property in question, whenever the Village Administrator determines that the best interests of the Village will be served thereby.
- (d) DETERMINATION OF FAIR MARKET VALUES. Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.
- (e) AUTHORITY TO DISPOSE OF PROPERTY.
 - (1) Except for library materials used by the public library for lending purposes, only the Village Board has the authority to dispose of Village property which is not surplus Village property.
 - (2) Whenever this Section provides for an auction or other disposition of any property, the Village Administrator shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for Village labor and the use of Village property, do not exceed the payment received by the Village from the auction or sale of the property.
 - (3) No Village property may be sold privately by any Village employee. No Village property may be sold directly to any Village employee unless done so through a public auction.

History: Code of Ordinances, 1986. Sec. 3-5-1 amended, Ordinance No. 6, Series of 2005.
Sec. 3-5-1 amended, Ordinance No. 8, 2019.

SEC. 3-5-2 LOST AND ABANDONED PROPERTY.

- (a) VILLAGE CUSTODY OF LOST OR ABANDONED PROPERTY.
 - (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Police Department by citizens, shall be disposed of according to this Section.
 - (2) Lost and abandoned property will be examined by the Police Department for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Police Department to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be turned over to the Police Department's property custodian.
 - (3) No police officer shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
 - (4) The Police Department shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
 - (5) No member of the Police Department or any other Village employee shall receive any lost, stolen, abandoned or other unclaimed property from the Police Department, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain at the Police Department.
- (b) DISPOSAL PROCEDURES.
 - (1) Classes of Property All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the Village shall be disposed of as follows, except that if the property is usable for Village operations, the property need not be sold at auction, but may become the property of the Village.

- a. Vehicles: Vehicles shall be disposed of as set forth in the applicable provisions of Title 8, Chapter 4 of this Code of Ordinances.
- b. Intoxicating Liquor and Fermented Malt Beverages: Intoxicating Liquor and Fermented Malt Beverages shall be destroyed or sold by sealed bids only to persons holding respectively Class B Liquor or Class B Fermented Malt Beverage Licenses.
- c. Firearms, Ammunition and Explosives: Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms Bureau of the U.S. Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.
- d. Other Property with a Fair Market Value of One Hundred (\$ 100.00) Dollars or Less: An item of property with a fair market value of One Hundred (\$100.00) Dollars or less shall be destroyed or sold at public auction. Perishable property which deteriorates, to a fair market value of less than One Hundred (\$100.00) Dollars, shall be destroyed.
- e. Other Property with a Fair Market Value of Over One Hundred (\$100.00) Dollars: An item of property with a fair market value more than One Hundred (\$100.00) Dollars shall be sold at public auction or by sealed bid.
- f. Illegal Property. Property which cannot be legally possessed shall be destroyed.

(2) Disposal by Auction or Sealed Bid.

- a. Whenever any property under this Section is sold by public auction or sale by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission, such notice shall be published in the official Village newspaper. The property auctioned or sold by sealed bid shall be sold in as is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the Village and the amount of the bid be forfeited to the Village.
- b. Any Village official selling property under this Section shall maintain for two (2) years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.

- (3) Lost Property. Property which is found by persons and delivered to the Village Police Department for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this ordinance until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any Village employee finding property in the regular course of his employment.