

TITLE 3

Public Safety

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Chapter 1

Law Enforcement

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SEC. 3-1-1 RECORDS AND REPORTS.

- (a) **MONTHLY REPORTS:** The Village Marshal shall submit a written monthly report to the Village Board, of all activities and transactions of the department during the preceeding month.
- (b) **POLICE RECORDS:** There shall be kept by the department, a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted and all complaints in full.

SEC. 3-1-2 GENERAL POWERS OF POLICE OFFICERS.

Every member of the Police Department shall:

- (a) Familiarize himself with the ordinances of the Village and the State Statutes and attend to the enforcement of such ordinances by all lawful means.
- (b) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (d) Assist the Fire Department in maintaining order at the scene of a fire or any other fire response within the Village.

- (e) See that the necessary permits and licenses issued by the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (f) Perform such other lawful duties as ordered by the Village Marshal or his authorized representative.

SEC. 3-1-3 RESPONSIBILITIES OF VILLAGE MARSHAL.

- (a) DUTIES. In addition to the duties imposed upon him by Title 2, Chapter 3, the Village Marshal shall:
 - (1) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (2) Submit such reports and comply with such procedures as may be prescribed by the Village President relative to fiscal and administrative matters.
 - (3) Have exclusive control of the assignment, hours of duty and transfer of all members of the Department.
 - (4) Plan, organize, staff, direct and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
 - (5) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.
 - (6) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) CUSTODY OF DEPARTMENT EQUIPMENT. The Village Marshal shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department, and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment and supplies.
- (c) CUSTODY OF DEPARTMENT PROPERTY. The Village Marshal shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

SEC. 3-1-4 RULES AND POLICIES FOR THE POLICE DEPARTMENT.

The Village Marshal shall establish and promulgate, Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes or ordinances or with any rules approved by the Village Board.

SEC. 3-1-5 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS.

The Village Marshal shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members, for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and Rules of the Department.

SEC. 3-1-6 VILLAGE MARSHAL'S RESPONSIBILITY FOR TRAINING.

The Village Marshal is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs and independent readings.

SEC. 3-1-7 CIVILIANS TO ASSIST.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Sec. 1-1-6 of this Code of Ordinances.

CHAPTER 2

Fire Prevention

- § 3-2-1 Fire Department Officially Recognized
- § 3-2-2 Impeding Fire Equipment Prohibited
- § 3-2-3 Police Power of the Department; Investigation of Fires
- § 3-2-4 Damaging Fire Hose Prohibited
- § 3-2-5 Firemen May Enter Adjacent Property
- § 3-2-6 Duty of Bystanders to Assist
- § 3-2-7 Vehicles to Yield Right-of-Way
- § 3-2-8 Interference with Use of Hydrants Prohibited
- § 3-2-9 Opening Burning

SEC. 3-2-1 FIRE DEPARTMENT OFFICIALLY RECOGNIZED.

- (a) **RECOGNITION.** The Bear Creek Volunteer Fire Department is hereby officially recognized and the duty of conducting the Fire Department is hereby delegated to such organization, and its organization and internal regulations shall be governed by the constitution and bylaws of that organization, insofar as they do not conflict with the provisions of this Chapter. The Bear Creek Fire Department is hereby authorized and directed to adopt bylaws for the control, management and government, and for regulation the business and proceedings of the department, which bylaws, after adoption by a two-thirds vote of the members of the department, shall not become effective and operative until presented to and approved by the Village Board. Amendments shall be adopted in the same manner. The bylaws of the Bear Creek Fire Department are not herein set forth, but are on file in the office of the Village Clerk and in the office of the Secretary of the Fire Department for the inspection of the public. The duties of the various officers and members are therein set forth in full and will not be set out in this chapter.
- (b) **MEMBERSHIP.**
 - (1) The Bear Creek Fire Department, as organized, is to consist of not less than twenty-five (25) nor more than forty (40) members. The officers of such fire department shall be one Fire Chief, one First Assistant Chief, one Second Assistant Chief, one Captain, two Lieutenants, President, Secretary, Treasurer, who shall be elected by the members of the Fire Department, and one Steward and one Fire Inspector who shall be appointed by the Fire Chief, subject to the approval of the Village Board.
 - (2) The election of the Fire Chief by the members of the Fire Department shall be subject to the approval of the Village Board.
- (c) **BUDGET.** Not later than October 1st of each year, the Fire Chief shall file with the Village Clerk a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

SEC. 3-2-2 IMPENDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of the fire engine or fire truck or other fire apparatus of the Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for training purposes.

SEC. 3-2-3 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

(a) POLICE AUTHORITY AT FIRES.

- (1) The Fire Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire.

(b) FIRE INSPECTION DUTIES.

- (1) While acting as fire inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief and confirmed by the Village Board, shall have the right and authority to enter any building or upon any premises in the Village at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary.
- (2) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors and confirmed by the Village Board, to inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by such Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.
- (3) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations.

State Law Reference: Section 101.14(2), Wis. Stats.

SEC. 3-2-4 DAMAGING FIRE HOSE PROHIBITED.

No person shall willfully injure in any manner, any hose, hydrant or fire apparatus belonging to the Village, or any fire department, and no vehicle shall be driven over any unprotected hose of any Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

SEC. 3-2-5 FIREMEN MAY ENTER ADJACENT PROPERTY.

It shall be lawful for any fireman while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

SEC. 3-2-6 DUTY OF BYSTANDERS TO ASSIST.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

SEC. 3-2-7 VEHICLES TO YIELD RIGHT-OF-WAY.

Whenever there shall be a fire or fire alarm, or the Fire Department shall be out for practice, every person driving or riding in a motor or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

SEC. 3-2-8 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.

No person shall occupy any portion of such streets or alleys with a motor or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be attached.

SEC. 3-2-9 OPEN BURNING.

- (a) OPEN BURNING PROHIBITED. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Bear Creek excepting as set forth in Subsection (b) of this Section.
- (b) EXCEPTIONS.
 - (1) Outdoor cooking over a fire contained in a device or structure designed for such use;
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief.

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- (3) Ceremonial campfires or special bonfires, with prior written approval of the Fire Chief.
- (4) Controlled burning of dry leaves and other non-offensive dry yard debris between 5 p.m. and midnight Monday through Friday and Saturday 6:00 a.m. to Midnight; provided however, that such burning is:
 - a. Monitored by a responsible person until the fire has extinguished itself completely;
 - b. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
 - c. Located off the public street pavement or street gutter;
 - d. Located at least thirty (30) feet from any neighboring residence;
 - e. Not used for covert incineration of offensive substances or materials;
- (5) Other occasions of desirable outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in subsections (2) and (3) above.
- (6) Whenever approval and special permit are granted by the Fire Chief under Subsection (b)(2), (3) and (5) of this Section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.
- (c) CHIEF MAY PROHIBIT. The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.
- (d) BURNING ON STREETS. No materials may be burned upon any street, curb, gutter or sidewalk.
- (e) LIABILITY. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fire.

CHAPTER 3

Fire Prevention Code

- § 3-3-1 Fire Prevention Code Adopted
- § 3-3-2 Adoption of State Codes

SEC. 3-3-1 FIRE PREVENTION CODE ADOPTED.

- (a) AMERICAN INSURANCE ASSOCIATION CODE ADOPTED. The Fire Prevention Code recommended by the American Insurance Association (formerly the National Board of Fire Underwriters), 1976 edition, except such portions as are hereinafter deleted, modified or amended, is hereby adopted and incorporated as fully as if set out at length herein.
- (b) ENFORCEMENT. The Fire Prevention Code shall be enforced by the Chief of the Fire Department and such personnel as he may designate for such purpose.
- (c) DEFINITIONS.
 - (1) Wherever the word "Municipality" is used in the Fire Prevention Code, it shall mean the Village of Bear Creek.
 - (2) Wherever the term "Corporation Counsel" is used in said Code, it shall mean Village Attorney.
- (d) MODIFICATIONS. The Chief of the Fire Department may grant a variance to the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the Code, provided the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant. A copy of each order or modification by the Fire Chief shall be filed with the Village Clerk.
- (e) APPEALS. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Zoning Board of Appeals within thirty (30) days from the date of the decision of the appeal.
- (f) ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED. The limits referred to in Section 12.5b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: Residential and Commercial Districts.
- (g) ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS TO BE PROHIBITED.
 - (1) The limits referred to in Section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby established as follows: Residential and Commercial Districts.
 - (2) The limits referred to in Section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: Residential and Commercial Districts.
- (h) ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquified petroleum gas is restricted, are hereby established as follows: Residential and Commercial Zone.

- (i) **OFFENSES.** Any person who shall violate any of the provisions of this Section, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time fixed herein, shall be subject to the general penalty of this Code, found in Sec. 1-1-6.

SEC. 3-3-2 ADOPTION OF STATE CODES.

The following Orders, Rules, and Regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- (a) Wis. Adm. Code Ch. IND 1; Safety.
- (b) Wis. Adm. Code Ch. IND 5; Explosives and Blasting Agents.
- (c) Wis. Adm. Code Ch. IND 7; Cleaning and Dyeing.
- (d) Wis. Adm. Code Ch. IND 8; Flammable and Combustible Liquids.
- (e) Wis. Adm. Code Ch. IND 9; Liquified and Petroleum Gases.
- (f) Wis. Adm. Code Ch. IND 20; Dusts, Fumes, Vapors and Gases.
- (g) Wis. Adm. Code Ch. IND 21; Spray Coating.
- (h) Wis. Adm. Code Ch. IND 35; Safety in Construction.
- (i) Wis. Adm. Code Ch. IND 43; Anhydrous Ammonia Code.
- (j) Wis. Adm. Code Ch. IND 50; Administration and Enforcement.
- (k) Wis. Adm. Code Ch. IND 51; Definitions and Standards.
- (l) Wis. Adm. Code Ch. IND 52; General Requirements.
- (m) Wis. Adm. Code Ch. IND 53; Structural Requirements.
- (n) Wis. Adm. Code Ch. IND 54; Factories, Office and Mercantile Buildings.
- (o) Wis. Adm. Code Ch. IND 55; Theatres and Assembly Halls.
- (p) Wis. Adm. Code Ch. IND 56; Schools and Other Places of Instruction.
- (q) Wis. Adm. Code Ch. IND 57; Apartment Buildings, Hotels, and Places of Detention.
- (r) Wis. Adm. Code Ch. IND 58; Health Care, Detention and Correctional Facilities.
- (s) Wis. Adm. Code Ch. IND 59; Hazardous Occupancies.
- (t) Wis. Adm. Code Ch. IND 60; Child Day Care Facilities.

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- (u) Wis. Adm. Code Ch. IND 61; CBRF.
- (v) Wis. Adm. Code Ch. IND 62; Specialty Occupancies.
- (w) Wis. Adm. Code Ch. IND 64; Heating, Ventilating, and Air Conditioning.
- (x) Wis. Adm. Code Ch. IND 65; Fire Prevention.
- (y) Wisconsin Electrical Code.

CHAPTER 4

Lost, Abandoned and Surplus Property

- § 3-4-1 Disposal of Surplus Village Property
- § 3-4-2 Lost and Abandoned Property

SEC. 3-4-1 DISPOSAL OF SURPLUS VILLAGE PROPERTY.

(a) DEFINITIONS.

- (1) "Surplus Village Property" is that property which is owned by the Village of Bear Creek, Wisconsin, and which has no further usefulness to the Village of Bear Creek. 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 fixtures and such salvage 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.

- (1) Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board shall determine whether or not the item is surplus Village property.
- (2) Whenever the fair market value of the item is more than Five Thousand (\$5,000.00) Dollars, the Village Board shall determine whether or not the item is surplus Village property.

(c) DISPOSITION OF SURPLUS VILLAGE PROPERTY.

- (1) Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than Five Hundred (\$500.00) Dollars and the Village Board has determined, pursuant to the previous subsection, that the item is surplus Village property, the department head or official responsible for the items shall dispose of the property by:
 - a. Donation to a nonprofit organization within the Village or to a governmental agency; or
 - b. Public auction; or
 - c. Sale by sealed bid.

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- (3) In the event of a public auction or sale by sealed bid, the item will be sold in as is condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. The department head or official responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the Village and the amount of the bid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as directed by the Village Board.
- (4) No public auction or awarding of bids shall occur under this Chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official Village newspaper.
- (5) Whenever the fair market value of an item is Five Hundred (\$500.00) Dollars or less and the Village Board has determined, pursuant to the previous section, that it is surplus Village property, the item shall be either disposed of as set forth in Subsection (c)(2) above or destroyed.
- (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 or official 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 may 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 Board 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.

SEC. 3-4-2 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, not 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 Village Marshal, 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 Village Marshal 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 Village Marshal 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 Village Marshal shall determine what portion,

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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.

- (4) Payment to Village Treasury. All sums received from the sale of property under the Section shall be paid to the Village Treasury.

State Law Reference: Section 66.28, Wis. Stats.