

621 Storage of Personal Property

621.100 **Definitions.** As used in this chapter, the terms defined in this section shall have the following meanings.

621.102 “Storage” is defined as the keeping of property for a time period of over 24 hours in a location.

621.103 “City Property” is defined as City land, buildings, parks, trails, roads, and lake tracts.

621.104 “Personal Property” is defined as all property owned by any owner that is not the City.

621.200 **Purpose.** The purpose of Chapter 621 is to maintain and improve City Property by preventing the exclusive use of City Property by individual members of the public.

621.300 **Storage of Personal Property on City Property Prohibited.** Intentionally using City Property for storage of personal property is prohibited unless authorized by the City Council or City Administrator.

621.301 **Exceptions.** Notwithstanding 621.300, storage of personal property on City Property may be allowed where such personal property is utilized for, necessary for, convenient for, or appurtenant to, the maintenance of City Property or the general administration of the City as determined by the City Administrator or their designees, the City Council, or Law Enforcement Personnel. Determinations by the City Administrator or her designees or Law Enforcement Personnel may be overruled by the City Council.

621.400 **Notice if Owner is Known.** If the City has cause to believe that this 621.300 is being violated and the City has cause to know the identity of the owner of the property, the City shall serve notice to that person giving them ten (10) days to remove their Personal Property from City Property. Said time period of ten days may be shortened if the City Council, City Administrator, or Law Enforcement Personnel, in their opinion, reasonably believes that the presence of said Personal Property presents a danger to public safety or significantly impedes access to City Property. Any person receiving said notice may appeal said notice to the City Council, which will provide notice and an opportunity for the person to respond. Said appeal shall not relieve the obligation of the person from removing their personal property from City Property unless the decision of the City Council comes prior to expiration of the notice period.

621.401 **Owner Unknown.** If, after reasonable efforts to ascertain the owner, the City does not become aware of the owner of said personal property, the City may immediately remove the personal property and treat it as abandoned property under section 613. Reasonable notice is deemed satisfied by placing the item in a lost and found maintained for such items, the posting of notice on the City’s bulletin board, the sending of an email to the City’s email list, or another method within the discretion of the City.

621.500 **Penalty.** Any person violating this section who fails to remove their personal property from City Property by the notice period in section 621.400 is guilty of a trespass under State Stat.

609.605 and State Stat. 92.70. In addition, after expiration of the Notice period, the property may be removed by the City and handled according to section 613. Reasonable costs of removal may be assessed to the property owner prior to releasing the personal property to the property owner.

621.501 **Offense definition.** Each day that passes after the notice period has expired where the property remains on Public property constitutes a separate offense.

621.502 **Multiple Offenses.** The City may, at the Council's discretion, send a trespass notice for repeated violations of this section prohibiting the violator from utilizing the City Property upon which the violation or violations occurred. Said prohibition may extend for a period of time determined by the Council, up to a period of one year. This is appeal able to the City Council.

621.503 **Severability.** If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this article. The City Council hereby declares that it would have adopted this article in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 9th day of July 2024.

