

## CHAPTER 170

### STRAYS AND LOST CHATTELS

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**170.01 Who may take up strays.** No stray, except horses and mules, shall be taken up by any person not a resident of the town in which it is found nor unless it is found upon land owned or occupied by the person.

**History:** 1993 a. 482.

**170.02 Finder to give notice; penalty.** Every finder of a stray shall, within 7 days thereafter, notify the owner thereof, if known to the finder, and request the owner to pay all reasonable charges and take such stray away; and, if such owner be unknown to the finder, the finder shall, within ten days, file a notice with the town clerk of the town, who shall transmit a copy thereof to the county clerk. The finder shall publish notice, if the value of the stray exceeds \$50, as a class 3 notice, under ch. 985, in the county. The notice shall briefly describe the stray by giving its marks, natural or artificial, as near as practicable, the name and residence of the finder, specifying the section and town, and the time when such stray was taken up. For neglect or refusal to publish such notice as required, the finder of such stray shall be liable in double the amount of damages sustained by the owner of such stray. For neglect or failure for one year to publish such notices the finder of such stray shall be liable for its full value, to be recovered by action in the name of the town, and the amount recovered shall be added to the school fund of such town.

**History:** 1993 a. 482.

**170.03 Appraisal.** Every finder of a stray of the value of \$10 or more, at the time of such taking up, shall within one month cause the stray to be appraised by the chairperson of the town, and a certificate of the appraisal, signed by the chairperson, shall be filed in the town clerk's office. The finder shall pay the town chairperson 50 cents for the certificate and 10 cents per mile for each mile necessarily traveled to make the same.

**History:** 1989 a. 56 s. 258.

**170.04 Charges for keeping.** The owner or person entitled to the possession of the stray at any time within one year after the notice is filed with the town clerk may have the stray restored to him or her upon proving his or her right to the stray and paying all lawful charges. If the claimant and the finder cannot agree as to the amount of the charges or upon what should be allowed for the use of the stray either party, on notice to the other, may apply to the chairperson of the town to settle the dispute, who for that purpose may examine witnesses on oath. If any amount is found due the finder, over the value of the use of the stray, the amount, with the costs, shall be a lien upon the stray and costs of the adjudication shall abide the decision of the town chairperson. If either party refuses to accept the decision of the town chairperson, action may be brought in circuit court.

**History:** 1977 c. 449; 1989 a. 56 s. 258.

**170.05 Sale of stray.** If no claimant for the stray requests its return under s. 170.04 and if the stray has not been appraised at more than \$10 the finder shall become the absolute owner; but if the appraised value exceeds \$10 the stray shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice thereof shall be given and the sale shall be

conducted and the same fees allowed therefor as in case of sales under ch. 815. The finder may bid at the sale and shall at the time of sale deliver to such officer a statement in writing of the finder's charges, which shall be filed by the officer with the town treasurer; and after deducting the charges, if just and reasonable, and the costs of the sale the officer shall pay one-half of the remaining proceeds to the finder and within 10 days thereafter the other half to the treasurer of the town for its use. If the finder of the stray neglects or refuses to cause the sale to be made when required by law the finder shall pay to the town the value of the stray, to be recovered in an action by the town.

**History:** Sup. Ct. Order, 67 W (2d) 585, 775 (1975); 1975 c. 218.

**170.06 Removal of stray; neglect to give notice, etc.** If any person shall, without the consent of the finder, take away any stray taken up pursuant to this chapter without first paying all the lawful charges incurred in relation to the same the person shall be liable to the finder for the value of such stray; and if any finder shall neglect to give, file or publish the notices or have the appraisal made or do any other act prescribed by this chapter the finder shall be precluded from acquiring any right of property in such stray and from receiving any charges or expenses relative thereto.

**History:** 1993 a. 482.

**170.07 Lost chattels, notice.** Except as provided in ss. 170.105 and 170.12, if a person finds \$25 or more or any goods having a value of at least \$25 but less than \$100, and if the owner of the money or goods is unknown, the finder shall, within 5 days after finding the money or goods, give a written notice of the found money or goods to the law enforcement agency of the city, village or town in which the money or goods are found. That law enforcement agency shall post a notice of the found money or goods in 2 public places in the city, village or town.

**History:** 1991 a. 206; 1995 a. 263.

**170.08 Notice and appraisal.** Except as provided in ss. 170.105 and 170.12, the finder of lost goods having a value of \$100 or more shall give a written notice of the found goods to the law enforcement agency of the city, village or town in which the goods are found within 15 days after finding the goods and cause a class 2 notice under ch. 985 of the found goods to be published in the county. If no person who is entitled to the goods appears to claim the goods, the finder shall, within 2 months after finding the goods and before using the goods to their injury, procure an appraisal of the goods by the law enforcement agency of the finder's city, village or town. The appraisal shall be certified by the head of the law enforcement agency and filed in the office of the law enforcement agency of the city, village or town.

**History:** 1989 a. 56; 1991 a. 206; 1995 a. 263.

**170.09 Restitution.** If the owner of lost money or goods appears within 90 days after notice is given to the law enforcement agency of the city, village or town under s. 170.07 or 170.08 and makes out his or her right to the money or goods, he or she shall have restitution of the money or goods or the value of the money or goods upon his or her paying all the costs and charges on the

money or goods, including a reasonable compensation to the finder for the finder's trouble.

**History:** 1991 a. 206; 1995 a. 263.

**170.10 Payment to town.** If no owner of lost money or goods appears within 90 days after notice is given to the law enforcement agency of the city, village or town under s. 170.07 or 170.08, the finder of the money or goods shall be the owner of the lost money or goods.

**History:** 1991 a. 206; 1995 a. 263.

**170.105 Chattels found by public officials, employees or agents. (1)** Notwithstanding ss. 170.07 and 170.08, if an official, employe or agent of the state or of a county, city, village or town finds \$25 or more or any goods having a value of at least \$25 while acting within the scope of his or her official duties, employment or agency, he or she shall transfer custody of the found money or goods to the agency in the city, village or town where the money or goods were found that is designated by the city, village or town governing body to receive found money or goods. That agency shall post a notice of the found money or goods in 2 public places in the city, village or town.

**(2)** If the owner of lost money or goods appears within 90 days after the notice is posted under sub. (1) and makes out his or her right to the found money or goods, he or she shall have restitution of the money or goods or the value of the money or goods upon paying all of the costs and charges on the money or goods. If no owner of lost money or goods appears within 90 days after the notice is posted under sub. (1), the found money or goods become the property of the state or county, city, village or town whose official, employe or agent found the lost money or goods.

**History:** 1995 a. 263.

**170.11 Penalty for neglect.** Except as provided in s. 170.12, if the finder of lost money or goods having a value of \$3 or more fails to give notice of the found money or goods or otherwise to comply with the provisions of ss. 170.07 to 170.10, the finder shall be liable for the full value of the money or goods, one-half to the use of the town and the other half to the person who sues for the full value, and shall also be responsible to the owner for the money or goods.

**History:** 1991 a. 206.

**170.12 Sunken logs on submerged state lands.**

**(1) DEFINITIONS.** In this section:

- (a) "Board" means the board of commissioners of public lands.
- (b) "Log" means a portion of the trunk of a felled tree which has not been further processed for any end use.
- (c) "Resident of this state" means an individual who maintains a residence, as described in s. 6.10 (1), in this state, or a corporation, partnership, association or other legal entity that maintains an office in this state and in which at least 50% of the ownership interest is held by one or more individuals who maintain a residence, as described in s. 6.10 (1), in this state.

**(2) TITLE TO SUNKEN LOGS.** The state reserves to itself title and ownership of all logs resting on submerged lands owned by the state.

**(3) APPLICATION TO REMOVE SUNKEN LOGS.** A person wishing to raise and remove logs resting on submerged lands owned by the state shall make application to the board for a permit to do so. The application shall do all of the following:

- (a) Identify the boundaries of the location where the sunken logs will be raised.
- (b) Specify the time period during which the sunken logs will be raised.
- (c) Specify the methods to be used in raising the sunken logs, including any techniques with the potential to disturb lake bed material.
- (d) Describe, in detail, the applicant's plans for the use and disposition of any logs raised, including any information necessary for or related to sub. (5).

(e) Certify that the applicant is a resident of this state.

(f) Include any additional information required by the board.

(g) Be accompanied by a \$50 application fee.

**(4) REVIEW BY OTHER AGENCIES.** Upon receipt of an application under sub. (3), the board shall immediately transmit copies of the application to the department of natural resources and to the historical society for review. The department of natural resources and the historical society shall, as appropriate, within 30 days after their receipt of the application, notify the board whether any of the following apply:

(a) The proposed project appears to require a permit under s. 30.20.

(b) The proposed project appears to require a permit under s. 44.47.

(c) The proposed project may affect public rights in navigable waters. The department of natural resources shall recommend to the board requirements and conditions to be attached to the permit which shall protect those rights.

(d) The proposed project is subject to any requirements arising under federal law.

**(5) RESERVATION OF VALUE; OFFSET.** The state reserves to itself 30% of the appraised market value of any log raised pursuant to a permit issued under this section. Any applicant may, as part of the application under sub. (3), propose projects for the use of logs raised, and for the use of proceeds from logs raised and sold, as an offset to the state's share of the value of any logs raised. Any project proposed as the basis for an offset shall have demonstrated potential to do 2 or more of the following:

(a) Increase tourism revenues in this state.

(b) Increase employment in this state.

(c) Contribute to increased economic development and activity in this state.

**(6) PERMIT.** Within 60 days after receipt of an application under sub. (3), the board shall either approve, modify and approve or deny the application for a permit. A permit issued under this subsection shall be effective for a specified period, not to exceed one year, and shall specify all of the following:

(a) The boundaries of the location where sunken logs may be raised pursuant to the permit.

(b) That the applicant shall obtain all other permits that are required by law, and shall comply with all other requirements that are imposed by law, for raising and removing logs resting on submerged lands owned by the state.

(c) The frequency, means and procedure for accounting for and determining the appraised market value of any logs raised.

(d) The amount of the offset to the state's reservation of value, if any, to which the permit holder is entitled if any project proposed under sub. (5) is undertaken and completed. The board, in its judgment, may authorize offsets of up to 100% of the value retained by the state.

(e) The procedure and times when the permit holder shall tender to the board, on behalf of the state, any amounts due the state for its net share of the value of any logs raised.

(f) Any requirements and conditions necessary to protect public rights in navigable waters.

(g) Any requirements imposed under s. 44.47 (5r) (b).

**(7) PERMIT RENEWAL.** The board shall establish a simplified process for the renewal of permits originally issued under sub. (6). In renewing a permit, the board may attach conditions necessary to ensure compliance with the requirements of the original permit.

**(8) DENIAL OF APPLICATION.** The board may deny an application for an original or renewal permit if the applicant does any of the following:

(a) Fails to comply with sub. (3).

(b) Violates any of the terms, conditions or requirements of a permit for the previous year.

**(9) TRANSFER OF TITLE.** At such times as a permit holder tenders to the board any amounts due under the state's reservation of value, pursuant to the terms and conditions of the permit, title to any logs covered by such tender shall pass to the permit holder. If the permit provides for an offset under sub. (6) (d), the board shall issue written findings at the conclusion of the term of the permit which describe the board's findings regarding compliance with the term of the permit and establish the proportion of the

authorized offset to which the permit holder is entitled.

**(10) FORFEITURE.** Any logs subject to this section which are raised in violation of this section, or in violation of a permit issued under this section, shall be confiscated by the board and forfeited to the state.

**History:** 1991 a. 206, 315.