

AN ORDINANCE ESTABLISHING A SYSTEM OF DISPOSITION OF FOUND AND UNCLAIMED PROPERTY WITHIN THE CITY OF LAKESIDE; AND DECLARING AN EMERGENCY.

The city of Lakeside ordains as follows:

Section 1. Definitions. As used in this ordinance, the following mean:

Found Property. Money or personal property of any description other than contraband, firearms used in commission of a crime, other property being held as evidence in any civil or criminal proceeding, animals, or motor vehicles, the true owner of which cannot be readily ascertained, and which is:

(a) Found by any officer or employee of the city in or about any vehicle, structure, park, lot, street, or other place or premises owned by or under control of the city; or

(b) Surrendered to an officer or employee of the city by any person reporting it to have been found at any place.

Surplus Property. Personal property belonging to and owned by the city, or agency which has been determined by the city recorder to be of no further use to the city.

Unclaimed Motor Vehicle. A motor vehicle taken into custody after notice is provided.

Unclaimed Property. Money or personal property of any description other than contraband, firearms used in the commission of a crime, animals or motor vehicles, and which has, for any reason, come into the custody, actual or constructive, of the city and is no longer required to be held by the city for any purpose, and remains unclaimed for thirty days after notice to the owner or other interested person is provided.

Section 2. Records and Reports. The officer or employee of the city into whose custody found property first comes shall deliver to the custody of the city the property together with a report. The report shall state the following information: The date, time, and place of the finding; the date and time the property came into the custody of the city; a description of the property; the location where the property is kept.

(1) When found property comes into the custody of the city, the city shall attach an identification tag to it.

(2) The property shall be held by the city for a minimum period of thirty days, during which time the owner may redeem the property by satisfactorily establishing ownership, and the payment of any costs as provided in this ordinance.

(3) Found property that remains unclaimed after the redemption period shall be disposed of as unclaimed property pursuant to this ordinance.

Section 3. Treatment of Surplus Property.

(1) Determination that personal property is surplus and of no further use to a using agency is within the exclusive jurisdiction of the city council.

(2) Disposition of surplus property is within the exclusive jurisdiction of the city council.

Section 4. Treatment of Unclaimed Property.

(1) Any officer or employee of the city who has, for any reason, the actual or constructive custody of unclaimed property shall deliver the property to a department head.

(2) Within ten days of the property coming into the custody of the city, said city shall make diligent inquiry, including, but not limited to, an examination of the property for identifying markings, to discover the name and address of the owner, conditional vendor, mortgagee, or any person interested in the property.

(3) If the owner or other interested person can be readily ascertained, or has been ascertained within ten days of city custody, the city shall send notice by certified mail to the owner or interested person to claim the property within thirty days of the date on which the notice is sent.

(4) Unclaimed property shall be held for at least thirty days following the notice to the owner or other interested person during which time the owner may redeem the property by satisfactorily establishing ownership and payment of costs.

(5) Unclaimed property valued at \$25 or more and which remains unclaimed and not redeemed after the redemption period in subsections (1) and (4) of this section shall be disposed of as follows:

(a) At a time set by the city, all unclaimed property shall be sold at public auction to the highest bidder for cash.

(b) In default of bids from others, the city may dispose of the property without necessity of taking further bids.

(c) Notice of the time and place of the auction shall be given by one publication in a newspaper of general circulation in the city not less than five days nor more than ten days before the date of the sale. The notice shall contain a general description of the property to be sold.

(d) At the time of the payment of the purchase price for property sold under this section, the city shall execute on behalf of the city, a bill of sale, in duplicate, the original to be delivered to the purchaser and the copy to be kept on file in city hall. The bill of sale shall include the name and address of the purchaser, the date of the sale, the consideration paid, a brief description of the property, and a stipulation that the city does not warrant the condition of title of such property.

(e) The sale and conveyance of the unclaimed property shall be without redemption.

(f) Property sold pursuant to this section shall be delivered to the purchaser only upon presentation of the bill of sale, issued pursuant to subsection (d) of this section.

(6) Found and unclaimed property valued at less than \$25 and not redeemed may be disposed of by the city in a manner most advantageous to the city.

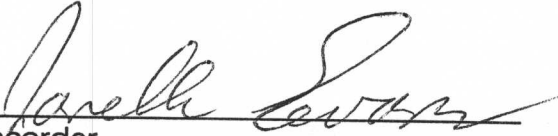
(7) The proceeds of any sale under this section shall be applied as follows: First, to the payment of the cost of such sale and expenses incurred in the preservation and custody of the property, and; second, the balance, if any, shall be paid to the city and shall be credited to the general fund.

Section 5. To Be Held at Expense of Owner. Found property, unclaimed property and unclaimed motor vehicles that come into the custody, actual or constructive, of the city for any reason, shall be held at the expense of the owner and any costs incurred by the city in finding, transportation, giving of notice, storage, care, and custody of the property shall be paid by the owner or other person lawfully entitled to possession before it may be released.

Section 6. Severability. The invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

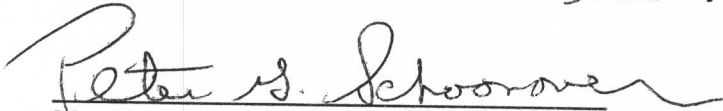
Section 7. Repeal. Ordinance No. 17, Personal Property Disposition, adopted September 16, 1976, is repealed.

ATTEST:


Recorder

Passed by the council this 14th day of April, 1994.

Approved by the mayor this 3rd day of May, 1994.


Mayor