

AN ORDINANCE PROVIDING FOR THE DISPOSITION OF PERSONAL PROPERTY ABANDONED ON ANY REAL PROPERTY BELONGING TO THE CITY OF LAKESIDE AND DECLARING AN EMERGENCY.

THE CITY OF LAKESIDE DOES ORDAIN AS FOLLOWS:

Section 1. "Abandoned", as used in this Ordinance, shall mean any personal property which has been left upon the real property of the City of Lakeside or upon any public street or way within the City of Lakeside, without the owner, or person leaving the same, having first obtained the permission of the City of Lakeside therefor, or where any personal property shall have been left upon the real property street or way of the City of Lakeside, with the permission of the City of Lakeside and where the owner therefor has refused to remove said personal property after having been given 30 days' notice to remove the same by the City of Lakeside. "Abandoned" shall also include all personal property located on private real property within the City which has no identifiable owner and which remains on said real property without the consent of the owner of said real property.

Section 2. If any personal property shall be abandoned within the City of Lakeside as defined in Section 1 hereof, for more than 60 days it shall be the duty of the City Recorder of said City to use all reasonable means to ascertain the owner of said property and to notify said owner in writing as follows:

(a) A brief description of the personal property abandoned, including any serial numbers or other numbers identifying said personal property;

(b) Location of such personal property;

(c) That the City of Lakeside will, after 10 days from the date of the mailing of said notice, proceed to sell said .

personal property for cash to the highest and best bidder, and from the proceeds of sale, retain a sum sufficient to pay the cost thereof, and in addition thereto, if any such personal property shall be abandoned while upon any dock or attached thereto, that a sufficient sum shall be retained by the City of Lakeside as reasonable rental therefor.

That said personal property has been abandoned upon the property of the City of Lakeside and if the same is not removed within 10 days of the date of the mailing of any such notice that the City of Lakeside will proceed to sell said property and cause the same to be removed from the property of the City of Lakeside.

Section 3. If the owner of any such personal property cannot be found after due diligence, or if the owner of such personal property so notified and within the time as provided in Section 2 hereof, shall fail to remove any such personal property and pay to the City of Lakeside any reasonable rentals owing thereon, the City Recorder shall cause to be published in a newspaper of general circulation in Lakeside, Coos County, Oregon, a notice which shall contain a brief description of the personal property involved, the location of the same and the owner thereof if known, and the day the personal property described therein will be sold at the time and place set forth in said notice, and for cash to the highest bidder. The said notice shall be published not less than two times; the first publication of which shall be made not less than five days before such proposed sale.

Section 4. If the owner shall apply to the City Recorder before the sale shall have taken place for the return of such personal property and shall submit to the City Recorder satisfactory evidence of his title thereto, and shall tender

with said application the cost of seizing and making sale of said personal property, upon being satisfied that the claim is rightful, shall surrender the same to the claimant.

Section 5. If no claim shall have been made before the time set for sale of said personal property the sale shall be held at the time and place appointed therefor, and within view of said personal property. The City Recorder, or such agent as he shall appoint to conduct said sale, shall sell said personal property to the highest and best bidder for cash, and the City of Lakeside shall have the right to enter a bid for said personal property, but not to exceed the amount of its cost incurred in connection with the seizing, keeping, and offering the same for sale.

Section 6. The proceeds of such sale shall be first applied to the payment of the costs incurred to the safe keeping and making such sale, shall be paid to the Treasurer of the City of Lakeside to be credited to the general fund.

Section 7: At the time of the payment of the purchase price at any such sale, the City Recorder shall cause to be executed a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and a copy thereof filed with the Recorder of the City of Lakeside, which certificate shall be in substantially the following form:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance _____, entitled and pursuant to due notice of time and place of sale, I did, on the _____ day of _____, 19____, sell at public auction to _____ for the sum of \$_____, cash, he being the highest and best bidder, the following described personal property, to-wit:

(brief description of property)

And in consideration of the payment of the said sum .

of \$ _____, receipt whereof is hereby acknowledged, I have this date delivered to said purchaser the foregoing property.

Dated this _____ day of _____, 19__.

City Recorder

Note: The City of Lakeside assumes no responsibility as to the condition of the personal property described above, or of the title thereto. In case this sale shall for any reason be invalid the liability of the City is limited to return of the purchase price.

Section 8. Upon such sale being consummated the City Recorder, or his duly authorized agent shall deliver the possession of said personal property to the purchaser thereof. Such sale and conveyance shall be without redemption.

Section 9. At any time within any one year after such sale, the owners of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to him, or them, out of the general fund upon making application therefor to the common council and presenting satisfactory proof of ownership.

Section 10. The following sections of Oregon Revised Statutes, 1975, are hereby adopted and incorporated herein and by reference made a part of this Ordinance:

ORS 483.380
ORS 483.382
ORS 483.383
ORS 483.384
ORS 483.386
ORS 483.388
ORS 483.390
ORS 483.392
ORS 483.394
ORS 483.395

Section 11. In the statutes referred to in Section 10 hereof, the City police or Chief of Police shall be substituted for and perform the duties of the Department of State Police or Sheriff therein and the City Treasurer shall be substituted

for and perform the duties of the County Treasurer. No payment of any proceeds of sale thereunder shall be made to the Motor Vehicle Division.

Section 12. Whereas, there is certain personal property, at the present time, abandoned within the City of Lakeside as defined by this Ordinance and it is necessary for the peace, health and safety of the citizens of said City that said personal property should be disposed of,

NOW, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect upon its passage by the common council and approval by the Mayor.

The foregoing Ordinance was duly passed by the City Council of the City of Lakeside and approved by the Mayor this 16th day of September, 1976.

AYE: Baker, Jacobson, Zindell & Friend

NAY: none

ABSENT : VanSchoyck

J. Robert Friend
Mayor, J. Robert Friend

ATTEST:

S. E. Herman
Recorder, S. E. Herman