

CITY OF PALMER, ALASKA

ORDINANCE NO. 522

AN ORDINANCE ENACTING CHAPTER 3.22, REGARDING DISPOSAL OF ABANDONED, STOLEN OR FOUND PROPERTY.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 3.22 is hereby adopted, as follows:

Chapter 3.22

DISPOSAL OF ABANDONED, STOLEN OR FOUND PROPERTY

Sections:

- 3.22.010 Disposable property.
- 3.22.020 Notice of possession.
- 3.22.030 Disposition.
- 3.22.040 Auction sale.
- 3.22.045 Dedication of abandoned, stolen or found bicycles for public use or benefit.
- 3.22.050 Publication and sale costs-Reimbursement.
- 3.22.060 Dangerous or perishable property-Immediate disposal.

3.22.010 Disposable property. Except as otherwise required by law, the following property in possession of the police department may be disposed of as provided in this chapter:

A. Property collected as evidence and not claimed by the owner within 15 days after final disposition of the criminal case to which it pertains; or

B. Property voluntarily tendered to the police department and not claimed by the owner within 15 days thereafter: or

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C. Property found and delivered to the police department and not claimed by the owner within 15 days thereafter; or

D. Stolen property recovered by the police department and not claimed by the owner within 30 days after such recovery.

E. "Disposable property," as used in this chapter, does not include a vehicle which has been impounded for a violation of Title 8 of this code. "Disposable property" is any property in possession of the police department which cannot be identified to an owner.

3.22.020 Notice of possession. A. The chief of police shall notify the finance director that the chief is in possession of disposable property. The finance director shall publish in a newspaper of general circulation in the city twice a week for two consecutive weeks a notice of possession of disposable property. At approximately the same time as the first publication, the finance director shall send copies of the notice by certified mail (return receipt requested) to the last known owner and to the finder, if any, at their respective last known addresses if any.

B. Every notice of possession mailed or published pursuant to this section shall contain:

1. A general description of the property;
2. The date the police department first obtained possession of the property;
3. The provision that unclaimed property will be sold at public auction and the proceeds will be forfeited to the city general fund;
4. The provision that unclaimed property, if money, will be paid into the city general fund;
5. The provision that the property must be claimed by the owner within 15 days after the last date on which the notice is published; and
6. The provision that the finder will forfeit all of his or her right, title, interest and claim in and to found property or money unclaimed by the owner unless the finder files a written request with the chief of police for return of the unclaimed property within 15 days after the last date on which the notice is published.

3.22.030 Disposition. If the property is unclaimed by the owner after the publication and mailing of the notice of possession and the expiration of the time periods as required by section 3.22.020, the property shall be disposed of as follows:

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A. Found property, including money, shall be returned to the finder, if any, upon condition that a timely request for such has been received by the police department.

B. All property, other than money, which is not addressed by subsection A of the section shall be subject to a claim by the chief of police that retention of such property for use by the city will serve the public interest. In conjunction with the finance director, weapons so claimed by the chief of police may be used for trading or bartering in order to acquire them for police use. If the chief of police does not make such a claim the finance director shall sell and not destroy the property, that is legal for private ownership and not precluded by court order, at a public auction to be held pursuant to the notice required by section 3.22.020. The proceeds from that sale, together with any unclaimed or unreturned money, shall be forfeited to the general fund.

C. The finance director will certify the proper disposal under all above provisions.

D. Notwithstanding any other provision of law, a finder of a motor vehicle shall have no right to possession or any ownership interest in that property except as may be acquired pursuant to a disposition method provided by the finance director.

3.22.040 Auction Sale. The city manger shall cause the property to be disposed of to the highest bidder at the public auction sale, for cash or upon such terms as the auctioneer shall announce. The auction sale may be continued by the auctioneer to another time or times. The finance director shall certify as to the disposal of property and shall execute the bill of sale to the property sold. Upon acceptance of the highest bid, the sale shall be final and not subject to redemption. Property unsold shall become the property of the city and may be disposed of by the city according to law.

3.22.045 Dedication of abandoned, stolen or found bicycles for public use or benefit. Notwithstanding any other provision of this chapter, any bicycle in the possession of the police department not claimed for 10 days, and for which the owner is not known, may be dedicated to public use or benefit in the following manner:

A. The council shall declare by resolution its desire to dedicate to public use or benefit abandoned, stolen or found bicycles which have been in the possession of the police department for more than 10 days.

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B. As soon as practicable after such declaration, the finance director or designee shall publish for two consecutive weeks, twice weekly, in a newspaper of general circulation, a notice describing the bicycles and stating the time, place and manner by which the bicycles may be identified and claimed by the owners. The notice shall include a statement that bicycles not so identified and claimed may be dedicated irrevocably to public use or benefit, or sold at auction.

C. Within the first week of the two-week publication period, the finance director or designee shall also attempt to notify by certified letter the owners of the bicycles proposed for dedication who can be identified with reasonable certainty. The letter shall contain substantially the same information specified in subsection B for public notice.

D. At the end of the first week following the two-week period of public notice,, bicycles which have not been identified and claimed by the owners may be utilized for public purposes in any manner prescribed by the council by resolution, or may be sold in accordance with the provisions of this chapter. If the bicycles have remained in the custody of the police department, the sale shall be conducted in accordance with law. If possession of the bicycles has been tendered to a third party pursuant to a contract, then that third party shall sell the bicycles at a public auction to be conducted pursuant to a notice which will contain the following information:

1. a general description of the bicycles;
2. the date on which the police department obtained possession of the bicycles;
3. that unclaimed bicycles will be sold at public auction or dedicated to public use or benefit and the proceeds forfeited to the city general fund;
4. that the owners must claim the bicycles within 30 days after the last date of publication of the notice.

3.22.050 Notification and sale costs fee. Before returning property to a finder or owner, and before delivering money to the general fund, the chief of police shall require a reasonable fee from the person receiving the property or money delivered for the costs of notice, publication and sale attributable to the property or money delivered. The proceeds from that fee shall be added to the police budget. The chief may waive this requirement for a good cause.

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3.22.060 Dangerous or perishable property--Immediate disposal. Property in the possession of the police department and determined by the chief of police to be perishable or to constitute an immediate danger to the public may be disposed of immediately in any manner without notice of sale. Proceeds of any such disposition shall be subject to this chapter.

Section 4. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.


First Reading: July 22, 1997

Public Hearing &
Second Reading: August 12, 1997

Adopted by the City Council of the City of Palmer, Alaska, this 12th day of August, 1997.



HENRY P. GUINOTTE, Mayor



THOMAS C. SMITH
City Clerk