

TITLE 1
CHAPTER 11

DISPOSITION OF PERSONAL PROPERTY

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1-11-1: CITY PROPERTY; DISPOSITION:

A. Personal property of the City that the City acquires by purchase, gift, or bequest and that the City Manager determines to be surplus or in need of replacement the Manager may dispose of by public sale or exchange or by gift to another governmental entity. Whatever monetary proceeds the disposition yields, the City Manager shall deposit in whatever fund has been used to purchase the property or, if the property has come to the City by gift or bequest in the City's general fund.

B. Public sales shall be conducted per the requirements of Section 1-11-7. (amended by Ord. No. 8, Series 2007)

1-11-2: DEFINITION: In Section 1-11-3 to 1-11-11 of this Code, property does not include a motor vehicle.

1-11-3: CUSTODY AND RECORD:

A. City personnel who take possession of personal property from a person under arrest, or with reason to believe that the property has previously been obtained unlawfully, constitutes evidence of crime, or has been lost or abandoned, shall deliver the property promptly to the City Manager or the Manager's designee.

B. The Manager or the designee shall keep a record:

1. Describing the property.
2. Identifying from whom the property is received.
3. Identifying all persons who are entitled to or claim the property.
4. Stating the time when the property comes into the City's possession, and
5. Indicating the City's mode of finally disposing of the property.

1-11-4: CUSTODY; COST: Property that comes into the City's possession under Section 1-11-3 of this Code shall be held at the expense of the person entitled to possession of the property.

1-11-5: RECLAMATION BY OWNER: Within thirty (30) days after property that is not needed as evidence comes into the City's possession under Section 1-11-3 of this Code, a person entitled to it may claim it upon application to the City Manager or the Manager's designee, upon proof of being entitled to it, and upon payment to the City of whatever reasonable expense the City incurs in keeping and preserving the property.

1-11-6: RETURN TO PERSONS RELEASED FROM CUSTODY: When an arrested person is adjudged not

guilty by a court of competent jurisdiction of the offense for which arrested, and the City Manager or the Manager's designee determines that the property taken from the person at the time of the arrest belongs to that person, the Manager or the Manager's designee shall deliver the property to the person and take a written receipt therefor. If the person is held for trial or examination, the property shall remain in the City's possession until discharge or conviction of the person, unless the City delivers the property to the State or County officer as required or authorized by State law or the property is confiscated as required by law.

1-11-7: DISPOSITION OF UNCLAIMED PROPERTY: Except as this Code provides to the contrary, all unclaimed property, other than money, that comes into the possession of the City under Section 1-11-3 of this Code and that has been in the custody of the City Manager or the Manager's designee for six (6) months and is no longer needed as evidence shall be disposed of in one of the following ways:

- A. It shall be destroyed if Federal or State law or this Code so requires.
- B. If a City Department requests use of the property and the property is not subject to destruction under subsection A of this Section, the property shall be delivered to the department upon approval of the City Manager of the delivery.
- C. Property not disposed of under subsections A or B of this Section shall be sold at public auction to the highest bidder. Such an auction shall be held at least once a year at a time and place set by the City Manager. The City Manager shall publish at least five (5) days' advance notice of the sale in a newspaper of general circulation within the City. The notice shall state:
 - 1. The beginning time of the sale,
 - 2. The place of the sale, and
 - 3. A general description of the property to be sold at the auction or a reference to a list thereof on file at the City Hall.

The City Manager shall sign the original of the notice and shall direct who shall conduct the sale. Proceeds from the sale, together with money acquired under Section 1-11-3 of this Code and unclaimed, shall be held in a special fund for that purpose and, if still unclaimed after the six (6) months shall be credited to the City's general fund.

D. The City Manager may, at his discretion, use an Internet based "on line" auction site approved by the City manager to dispose of unclaimed property. The property will be received and displayed by the auction site for public view. Receipts for the property released to the auction site will be maintained and adjusted as property is sold, or returned to the city. (amended by Ord. No. 8, Series 2007)

1-11-8: SALE; CERTIFICATE OF SALE: At the time of payment of the purchase price of property sold under Section 1-11-7 C of this Code, the City Manager or the Manager's designee shall execute a certificate of the sale and deliver the original thereof to the purchaser.

1-11-9: SALE; PAYMENT OF PROCEEDS TO OWNER: Within two (2) years after the City sells property under Section 1-11-7C of this Code, the owner of the property shall be paid the net proceeds of the sale, upon application therefore to the City Manager and upon proof of being entitled to the property.

1-11-10: SALE; LIABILITY OF CITY: The City assumes no responsibility for the title to property sold under Section 1-11-7C of this Code. If the sale is invalid, the City's liability is limited to return of the purchase price of the sale.

1-11-11: AUTHORITY FOR REGULATIONS AND PROCEDURES: The City Manager may adopt regulations and procedures implementing the provisions of this Chapter. (Ord. 682, 2-8-83)

Ord. No. 8 Series, 2007 – effective March 2, 2007