

ORDINANCE NUMBER 56

CITY OF TOWER, MINNESOTA

An ordinance pertaining to the possession and disposal of unclaimed property in the possession of the City of Tower.

The City Council of the City of Tower ordains:

Section 1. STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to and in accordance with the authority contained in Section 471.195 of the Minnesota Statutes.

Section 2. DEFINITIONS. For purposes of this Ordinance the following words or phrases shall have the meanings herein ascribed to therein:

- A. "Property" shall mean tangible personal property.
- B. "Owner" shall mean any person having a legal or equitable interest in any property affected by this Ordinance.

Section 3. CUSTODY OF PROPERTY. Whenever the City of Tower, in the course of its municipal operations shall come into possession of property owned by another, such property shall be delivered to the Chief of Police for safe keeping.

Section 4. ATTEMPT TO FIND OWNER. Upon receipt of any such property the Chief of Police shall make, or cause to be made, a reasonable and diligent effort to find the rightful owner of such property. If the rightful owner of such property is found the Chief of Police shall return the property to such owner as soon as is reasonably possible under the circumstances.

Section 5. DISPOSAL OF PROPERTY.

- A. Except as provided in parts B and C of this Section if the owner of any property coming into possession of the City of Tower cannot be found within sixty (60) days after the date such property came into possession of the City, the Chief of Police shall sell, or cause to be sold, such property to the highest bidder at public auction or by sealed bids.
Notice of the time and place of the holding of any public auction shall be published once a week for two consecutive weeks in the official newspaper of the City of Tower. At the time and place designated in such notice the Chief of Police or his duly authorized representative shall conduct the auction in such manner as the Chief of Police shall deem appropriate under the circumstances.
Notice of a sale of such property by sealed bids shall be published once a week for four consecutive weeks in the official newspaper of the City and in City Hall and at such other locations as the Chief of Police shall determine to be advisable.
- B. If any item of unclaimed property in possession of the City appears to have a value of five dollars (\$5.00) or less, is hazardous to store or is perishable, the Chief of Police or his authorized representative may sell or otherwise dispose of such property in whatever manner the Chief of Police determines reasonable and appropriate.
- C. Unclaimed handguns in the possession of the City shall be sold only to gun dealers licensed by the Federal Government.

Section 6. PROCEEDS OF SALE TO BE DEPOSITED WITH CITY CLERK/TREASURER. The proceeds of the sale of any item of property made pursuant to this Ordinance shall be first applied to the payment of all costs and charges incurred for the storage, maintenance, or otherwise in connection with such property and then to payment of such item's proportionate share of the expenses incurred by the City of Tower in connection with such sale. For purposes of the preceding sentence "proportionate share of expenses of sale" of each item shall be determined by dividing the sale price of each item by the total of all sales and multiplying the result by the total expense of conducting the sale.

The balance of the proceeds of the sale of each item shall be deposited by the Chief of Police with the City Clerk/Treasurer along with a statement containing a description of the property sold, the gross amount for which it was sold, the amount of charges incurred in connection with such property and the proportionate share of the costs of sale of such item.

The City Clerk/Treasurer shall keep separate accounts for the proceeds of the sale of each item. Such proceeds shall be invested in whatever manner is determined appropriate by the City Clerk.

Section 7. OWNER MAY CLAIM PROCEEDS WITHIN SIX (6) MONTHS OF SALE, DISPOSITION, OF UNCLAIMED PROCEEDS. If the owner of any property sold pursuant to this Ordinance shall furnish the City Clerk/Treasurer with evidence substantiating his claim of ownership of such property within six (6) months after the proceeds from the sale of such property were deposited with the City Clerk/Treasurer shall then the City Clerk/Treasurer shall pay to such owner the balance of the proceeds of the sale of such property deposited by the Chief of Police with the City Clerk/Treasurer under Section 6 hereof and shall provide such owner with a copy of the statement provided by the Chief of Police to the City Clerk/Treasurer under Section 6 hereof.

If no claim is made for the proceeds of any sale of property made pursuant to this Ordinance within six (6) months after the proceeds were deposited with the City Clerk/Treasurer then such proceeds shall thereupon become the property of the City to the exclusion of the owner of such property and all others.

All such proceeds that become the property of the City shall be credited to the General Fund of the City.

Section 8. VIOLATIONS, PENALTIES. Any person who violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor.

Section 9. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and publication.

Introduced by Alderman Majerle September 10, 1985.

Given first reading September 10, 1985.

Given second reading October 15, 1985.

Moved by Olson, supported by Majerle, that the Ordinance be adopted.

Ayes: Aldermen Majerle, Olson, Reichensperger, and Trembath, and Mayor Burgess.

Nays: None.

Passed by the Tower City Council this 12th day of November, 1985.

Published in the Tower News on the 9th day of December 1985.

Gary Burgess, Mayor

Timothy L Kotzian, Tower City Clerk