Chapter 18.24 Disposal of Abandoned Property

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18.24.010 Disposable property. a. Except as provided in subsection 18.24.010(b) the following property in possession of the City may be disposed of as provided in this chapter.
1. Property abandoned and not claimed by the owner within ninety days after the date on which the City obtained possession of the property; or
2. Property found and delivered to the City where proof of ownership of the property by the person claiming the property is not established to the satisfaction of the City Manager or the City Manager's designee within ninety days after the City obtained possession of the property.
b. This chapter does not apply to the following property :
1. Vehicles that are subject to chapter 18.20 of this code, which shall be disposed of in accordance with chapter 18.20.
2. Property that is subject to the Uniform Unclaimed Property Act, AS 34.45.010-34.45.780, which shall be disposed of in accordance with AS 34.45.010-34.45.780.
3. Property that is in the custody of the Homer Police Department and subject to AS 12.36.010-12.36.090, which shall be disposed of in accordance with AS 12.36.010-12.36.090. (Ord. 95-15 in part, 1995; Prior code 5-900.1).

18.24.020 Notice of disposition. The City shall publish in a newspaper of general circulation in the City once a week for two consecutive weeks a notice of disposition of the stolen, abandoned, or found property to be disposed of whose owner is unknown. The notice shall include:
a. A general description of the property;
b. The date of obtaining possession of the property;
c. The provision that the unclaimed property is to be sold at public auction at the time, date and place stated in the notice;
d. The provision that the unclaimed property, if money, will be paid into the city treasury for deposit to the general fund;
e. The provision that the property must be claimed by the owner within thirty days after the last date of publication of the notice;
f. The provision that the finder of any such property must request the City to return to the finder the found and unclaimed money or property within thirty days after the last date of publication of the notice and that the failure to make the request forfeits all of the finder's rights, title, interest and claim in and to any found property unclaimed by the owner. (Ord. 95-15 in part, 1995; Prior code 5.900.2).

18.24.030 Disposition. If the property is unclaimed by the owner after the publication of the notice of disposition under 18.24.020, and after written notice to the last known address, if any, of the owner, the property shall be disposed of as follows:
a. If the property is money, the City Manger shall deliver it to the City Treasury, unless the money is claimed by the finder as provided in subsection b.
b. Found property, including money, shall be returned to the finder if he has timely and properly requested such return as provided in 18.24.020(f).
c. All other property not claimed or returned to the finder shall be sold by the City at the public auction sale to be held pursuant to the notice to be given under 18.24.020(c). (Ord. 95-15 in part, 1995; Prior code 5.900.3).

18.24.040 Auction sale. The City Manager or designee shall sell the property to be disposed of to the highest bidder at the public auction sale for cash or upon such terms as the City Manager shall determine. The auction sale

may be continued by the auctioneer to another time or times. The City Manager or designee shall certify as to the disposal of any 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. Any property unsold shall become the property of the City and may be disposed of by the City in any manner without further notice. (Ord. 95-15 in part, 1995; Prior code 5.900.4).

18.24.050 Reimbursement. Before returning property to a finder or owner, or before delivering any money to the City Treasury, the City Manager or designee shall require reimbursement by the person receiving the property or money delivered, of the costs, as determined by the City Manager or designee, of publication, sale, storage or towing or other costs attributable to the property or money delivered. (Ord. 95-15 in part, 1995; Prior code 5.900.5).

18.24.060 Dangerous or perishable property. Any property in the possession of the City and determined by the City Manager or designee to be perishable or to constitute an immediate danger to the public health or safety may be disposed of immediately by the City Manager or designee in any manner without notice. (Ord. 95-15 in part, 1995; Prior code 5.900.6).

[i] Prior ordinance history: Ordinance 75-14.

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