

CITY OF HOMER
HOMER, ALASKA

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ORDINANCE 95-15

PERKINS COIE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HOMER AMENDING HOMER CITY CODE CHAPTER 18.24,
DISPOSAL OF ABANDONED PROPERTY

THE CITY OF HOMER ORDAINS:

Section 1. Chapter 18.24 of the Homer City Code, entitled, DISPOSAL OF ABANDONED PROPERTY, is hereby amended to read as follows:

18.24.010 Disposable property. a. Except as provided in subsection 18.24.010b., the The following property in possession of the City Police Department may be disposed of as provided in this chaptersection:

1.a. Property abandoned and not claimed by the owner within ninety days after the date on which the City or Police Department obtained possession of the property; or

b. ~~Property stolen and not claimed by the owner within ninety days after the conviction of the person who stole the property; or~~

2e. Property found and delivered to the City Police Department 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 Police Department within ninety days after the City Police Department obtained possession of the property.;

d. ~~With respect to motor vehicles, any motor vehicle is deemed to be abandoned if it is left unattended on a highway for a period in excess of seven days or on any public or private property without express or implied consent of the owner or person in lawful possession or control of the property for a period in excess of three days.~~

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.

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AA951360.015

18.24.020 Notice of disposition. The ~~City Police Department~~ 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 Chief of Police~~ 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.

18.24.040 Disposition. If the property is unclaimed by the owner after the publication of the notice of disposition under ~~subsection b of this section 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 Manager Chief of Police~~ 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 subsection f of Section 18.24.020.
- c. All other property not claimed or returned to the finder shall be sold by the ~~City Police Department~~ at the public auction sale to be held pursuant to the notice to be given under subsection c. of Section 18.24.020.

18.24.050 Auction sale. The ~~City Manager or designee Police Department~~ 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-auctioneer shall announce.~~ The auction sale may be continued by the auctioneer to another time or times. The ~~City Manager or designee Police Chief~~ 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-of sale.

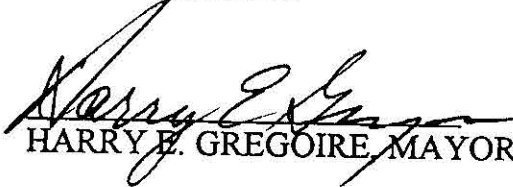
18.24.060 Reimbursement. Before returning property to a finder or owner, or before delivering any money to the City Treasury, the City Manager or designee Chief of Police shall require reimbursement by the person receiving the property or money delivered, of the costs, as determined by the City Manager or designee Chief of Police, of publication, sale, storage or towing or other costs attributable to the property or money delivered.

18.24.070 Dangerous or perishable property. Any property in the possession of the City Police Department and determined by the City Manager or designee Chief of Police 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 Chief of Police in any manner without notice of sale.

Section 2. This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER,
ALASKA, this 10th day of July, 1995.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

ATTEST:


MARY L. CALHOUN, CITY CLERK

AYES: 4
NOES: 0
ABSTAIN: 0
ABSENT: 2

First Reading: 6-12-95
Public Hearing: 6-26-95
Second Reading: 7-10-95
Effective Date: 7-11-95

Reviewed and approved as to form and content:

Paul J. Kohler
CITY MANAGER 7/11/95

Gordon J. Tans
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CITY ATTORNEY