



CITY OF WASILLA

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CODE ORDINANCE

REQUESTED BY: POLICE DEPARTMENT
PREPARED BY: POLICE DEPARTMENT

ORDINANCE SERIAL NO. 93-45

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, ADDING CHAPTER 7.25, DISPOSAL OF ABANDONED, STOLEN OR FOUND PROPERTY, TO THE WASILLA MUNICIPAL CODE.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF WASILLA, ALASKA, AS FOLLOWS:

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To adopt "Property Disposal" as part of the Wasilla Municipal Code.

SECTION III. Adoption. Chapter 7.25 is hereby adopted as follows:

7.25.010 Disposable Property-Definitions. 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. Disposable property. The term "Disposable Property," as defined below, is not intended to include those classes of intangible property within the scope of AS 34.45.110 through 34.45.430, generally providing for certain abandoned commercial paper to be referred to the custody and disposition of the State. Such intangible property within the scope of State law includes checks, money orders, bank deposits, life insurance proceeds, utility deposits, stocks, gift certificates, wages, and items held in a safekeeping repository.

"Disposable Property," as used in this chapter, does not include a vehicle licensed to be driven on the streets. "Disposable property" is any other personal property in possession of the Police Department which cannot be identified to an owner, and shall include, but not be limited to:

1. Property collected as evidence and not claimed by the owner within 30 days after final disposition of the criminal case to which it pertains; or
2. Property voluntarily tendered to the Police Department and not claimed by the owner within 30 days thereafter; or
3. Property found and delivered to the Police Department and not claimed by the owner within 30 days thereafter; or
4. Stolen property recovered by the Police Department and not claimed by the owner within 30 days after such recovery.

ORDINANCE SERIAL NO. 93-45
PAGE 2

B. Lawful ownership. Lawful ownership, as used herein, shall mean the right to possession and use of the property superior to the rights of any other persons and entities who are known to claim lawful ownership.

7.25.020 Notice of Possession.

A. The Chief of Police shall publish in a local newspaper on two occasions within a 30-day period a notice of possession of disposable property. During the same time period the Chief of Police 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 address 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 applied to the Crime Prevention unit of the Police Department;
4. The provision that unclaimed property, if money, will be paid into the city treasury;
5. The provision that the property must be claimed by the owner within 30 days after the last date on which the notice is published; and
6. The provision that the finder will forfeit all of his 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 30 days after the last date on which the notice is published.

C. Any claim to lawful ownership, in response to the publication provided for above or otherwise, shall be verified by proof of lawful ownership and the claimant shall bear the burden of proving lawful ownership.

7.25.030 Disposition. If the property is unclaimed by the lawful owner after the publication and mailing of the notice of possession and the expiration of the time periods as required by section 7.25.020, the property shall be disposed of as follows:

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. However in no event shall the return to the finder be understood as a termination of the finder's responsibility pursuant to State, Federal, Municipal statutory or common law.

B. All property, other than money, which is not addressed by subsection A of this section shall be subject to a claim by the Chief of Police that retention of such property for use by the City of Wasilla will serve the public interest. Weapons so claimed by the Chief of Police may be used for trading or bartering in order to acquire equipment for police use. If the Chief of Police does not make such a claim the property that is legal for private ownership and not precluded by court order, shall be sold at a public auction. The proceeds from that sale, shall be forfeited to the Crime Prevention unit of the Police Department. Unclaimed or un-returned money shall be paid into the city treasury.

C. Sale of Property:

1. An auction under this section must be preceded by a single publication of notice, at least three weeks in advance of the sale, in a newspaper of general circulation in the general area of Wasilla, Alaska.
2. Sale of an item of abandoned property shall be to the highest bidder. However, the city may decline the highest bid and re-offer the property for sale if in the judgment of the city the bid is insufficient. Property unsold shall become the property of the city and may be disposed of in any lawful manner.
3. The purchaser of property at a sale undertaken pursuant to this ordinance takes the property free of all claims of the persons or entities or the previous holder of the property and of all persons claiming through or under them. The city is empowered to execute any documents necessary or desirable to complete the transfer of ownership.

7.25.040 Dedication of abandoned, stolen or found bicycles. 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 accordance with 7.25.030(B) after proper notification as outlined in 7.25.020.

7.25.050 Notification and sale costs fee. Before returning property to a finder or owner, and before delivering money to the city, 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 deposited into the city account.

7.25.060 Dangerous or perishable property or property of minimal value-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.

Property of minimal value insufficient to justify the expense and administrative time associated with the procedure set forth herein may be disposed of in any manner without notice of sale. Proceeds of any such disposition shall be subject to this chapter.

ORDINANCE SERIAL NO. 93-45
PAGE 4


Without limitation, property of less than one hundred dollar fair market re-sale value shall be presumed to be property of minimal value pursuant to this section.

SECTION IV. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

Introduction: _____ 10/11/93 _____

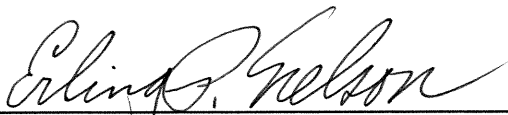
Public Hearing: _____ 10/25/93 _____

ADOPTED by the Council of the City of Wasilla on this 8 day of November, 1993.



JOHN C. STEIN, Mayor

ATTEST:



ERLING P. NELSON, CMC
City Clerk