

PUBLIC SAFETY COMMITTEE

10-054-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 40, ARTICLE II, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO LOST, STOLEN OR ABANDONED PROPERTY.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 40-4 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 40-4. Abandoned property defined.

For the purposes of this Article, property shall be deemed to be abandoned if it has been in the possession of the city or any officer or agent thereof for more than ~~two months~~ 30 days from the date of the mailing of a written notice by the chief of police to such owner to appear and present proof of his or her ownership.

Section 2. That Section 40-6 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 40-6. Sale at public auction or destruction after 30 days.

If the owner of any lost, stolen or abandoned property in the possession of the city cannot be found within 30 days after the date of its coming into the possession of the city, the chief of police or any duly authorized person acting under his direction shall cause such property to be sold at public auction to the highest bidder or destroyed. Notice of the time and place of the holding of such auction shall be published once a week for two consecutive weeks in the official newspaper of the city.

Section 3. That Section 40-8 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 40-8. Owner may claim proceeds within six months of sale; disposition of unclaimed proceeds.

If the owner of property sold under the provisions of this

Article or his legal representatives shall, at any time within six months after such money has been deposited in the city treasury, furnish satisfactory evidence of his ownership thereof to the city treasurer, the city treasurer shall pay to such person the amount so deposited. If such money is unclaimed within such time, the same shall belong to the city and shall be credited to the police department forfeited funds account in the general fund. This Section does not apply to property destroyed pursuant to Section 40-7.

Section 4. That this ordinance shall take effect 30 days after its passage and publication.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

DPD/ATTY SBH:cjk 9/29/2010

STATEMENT OF PURPOSE: The purpose of this ordinance is to allow the Duluth police department the option to destroy abandoned property instead of sale at public auction. This ordinance also amends Section 40-4 to match the 30 day time period in Section 40-6.