

A BILL FOR AN ORDINANCE PROVIDING)
FOR THE DISPOSITION OF PERSONAL)
PROPERTY TAKEN INTO CUSTODY BY THE)
CITY THROUGH ABANDONMENT, SEIZURE)
OR OTHERWISE, AND REPEALING ORDI-)
NANCE NO. 798, and Declaring an)
Emergency.

ORDINANCE BILL NO. 55
for 1967

ORDINANCE NO. 1285

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. Custody of Property. Personal property, other than abandoned vehicles, taken into custody by the city by reason of abandonment, seizure or for any other reason shall be held by the police department at the expense of the owner or person lawfully entitled to possession thereof.

Section 2. Surrender to True Owner. Except when the property is confiscated or held as evidence, the owner or person lawfully entitled to possession may claim the property within 60 days after the property is taken into custody upon application to the police department, submission of satisfactory proof of ownership or right to possession, and payment of charges and expenses, if any, incurred in the storage, preservation and custody of the property.

Section 3. Sale Procedure.

(1) At any time after the 60-day period, the chief of police shall sell at public auction any unclaimed property and any property which has been confiscated and not ordered destroyed, except property held as evidence in any legal or court proceeding. Notice of the time and place of sale shall be given once by publication in a newspaper of general circulation in the city not less than 10 days before the date of sale. The notice shall contain a description of the property to be sold.

(2) All sales shall be for cash to the highest bidder. The proceeds of a sale shall be credited to the general fund and the sale shall be without redemption.

Section 4. Certificate of Sale. At the time of the payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original to be delivered to the purchaser and a copy to be kept on file in the office of the treasurer, which certificate shall contain the date of sale, the consideration paid, a brief description of the property and a stipulation that the city does not warrant the condition or title of the property other than the return of the purchase price in case the title is for any reason invalid. The certificate shall be substantially in the following form:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. ___ and pursuant to due notice of time and place of sale, I did on the ___ day of _____, 19___, sell at public auction to _____ for the sum of \$ _____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of property)

and in consideration of the payment of the said sum of \$ _____, receipt whereof is hereby acknowledged, I have this day delivered

to said purchaser the foregoing property.

Dated this ____ day of _____, 19__.

Chief of Police

Note: The city of Lebanon assumes no responsibility as to condition of title of the above described property. In case this sale shall for any reason be invalid, the liability of the city is limited to return of the purchase price.

Section 5. Repeal. Ordinance No. 798, enacted December 19, 1950, relating to the disposition of motor vehicles and other personal property taken into custody by the city, is repealed.

Section 6. Emergency Clause

Passed by the Council and approved by the Mayor this 5th day of DECEMBER, 1967.

Samuel R. A. A. A. A.
Mayor

ATTEST:

Alu R. Lowy
Recorder

Section 6. Emergency Clause. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.