

CHAPTER 33

AN ORDINANCE TO PROVIDE FOR THE DISPOSITION OF LOST, ABANDONED OR UNCLAIMED PROPERTY OTHER THAN MOTOR VEHICLES

THE CITY OF LAPEER ORDAINS:

- 33.01** No person shall leave or cause to be left any property within the custody of the City of Lapeer or upon any premises owned or controlled by the City of Lapeer except by the express consent of the City of Lapeer.
- 33.02** For any and all property coming into the possession of the City of Lapeer in violation of Section 33.01, including lost, stolen, abandoned or other property surrendered to any agent of the City, or recovered by any agent of the City, other than motor vehicles, the City of Lapeer is hereby authorized to charge a reasonable fee for services rendered in the safekeeping of said property, plus all other expenses incurred in moving, packaging, storing, handling, or otherwise safekeeping of said property.
- 33.03** The City Manager shall have custody of said property. The property shall be surrendered to the true owner or last lawful possessor upon proper proof thereof and upon payment of the charges as provided herein: provided, however, that nothing contained herein shall be construed as obligating release of property being held as evidence or pursuant to Court order.

33.04 DISPOSITION OF MONEY.

After the expiration of six (6) months from the date the city first acquired custody of any money, said money shall be placed in the General Fund of the City of Lapeer.

33.05 DISPOSITION OF PROPERTY OTHER THAN MONEY.

If any article is not claimed and charges paid within six (6) months from the date the City first acquired custody, the City Manager may proceed to sell the articles at public sale in accordance with the following procedure:

- (A) Prior to any public sale, the Lapeer City Manager shall post a notice thereof in the Lapeer City Hall and shall publish said notice in a newspaper of general circulation in the City of Lapeer at least one (1) week prior to sale.
- (B) Said notice of publication shall describe any property held for sale, together with the time and place of public sale at which said property may be purchased by the highest bidder. The highest bidder shall receive a bill of sale for the property purchased from the City of

Lapeer.

- (C) If not bids received for the purchase of any property, it shall be conclusively presumed that said property is of no value and it shall be destroyed or otherwise disposed of as directed by the Lapeer city Commission.

33.06 DISPOSITION OF PROCEEDS.

After the holding of the public sale, the money received from such sale, after deducting the cost of conducting the sale and all expenses incurred in the safekeeping of said property, to the extent permitted by law, shall be turned over to the City Treasurer to be credited to the General Fund.

33.07 LIABILITY.

Neither the Lapeer City Manager nor the Manager's representative or designee shall be liable to the owner of property disposed of in the manner provided by this Ordinance.

- 33.08** The provisions of this Ordinance shall not apply to property being disposed of pursuant to the direction or order of any Court or Magistrate, or to motor vehicles, or to contraband or other forfeited property, where other statutory sale procedures are provided.

33.09 EFFECTIVE DATE.

This Ordinance shall take effect on the 15th day of June, 1979.