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Title: Amending Chapter 14 of the Saint Paul Legislative Code pertaining to the disposal of abandoned and unclaimed property.

Sponsors: Kathy Lantry

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/2/2013	1	Mayor's Office	Signed	
12/26/2012	1	City Council	Adopted	Pass
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12/12/2012	1	City Council	Laid Over to Third Reading/Public Hearing	
12/5/2012	1	City Council	Laid Over to Second Reading	

Amending Chapter 14 of the Saint Paul Legislative Code pertaining to the disposal of abandoned and unclaimed property.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1

Chapter 14 of the Saint Paul Legislative Code is hereby amended to read as follows:

Chapter 14. - ~~Impoundment~~ Custody and Disposal of Abandoned or Unclaimed Property

Sec. 14.01. - Purpose.

(a)

The city has become aware of instances where personal property is found abandoned on public property within the city and also of instances where person have failed to remove personal property from public lands and buildings owed or controlled by the city. The council finds that the continued presence of this personal property causes inconvenience to the city and disrupts the delivery of necessary services and creates a nuisance and a risk to the city staff and other persons desiring to use the public property. Minnesota Statute Section 471.195 authorized the city to pass an ordinance providing for the custody and disposal of property coming into the lawful possession of the city in the course of municipal operations if the property remains unclaimed by the owner.

(b)

The city has also become aware of instances where personal property, including money, has been lost on public property within the city and turned into city officials by a finder. Often this property remains unclaimed for extended periods of time costing the city to provide safe storage for the property.

(c)

The council hereby declares its intention to minimize the impact of abandoned and unclaimed personal property on the delivery of service to the citizens and to provide for a swift and efficient method for the disposal of the property.

(d)

This Section does not apply to motor vehicles in the possession of the Saint Paul Police Department pursuant to Minnesota Statutes Chapter 168B.

Sec. 14.02. - Definitions.

Abandoned: To relinquish or give up with the intent of not resuming or claiming one's rights or interests in the personal property. Failure to recover personal property within sixty (60) days after it is found on city property, or failure to remove the property within sixty (60) days of being so ordered, constitutes abandonment.

Personal property: All goods, chattels, money and effects.

Unclaimed property: Personal property lawfully coming into the possession of the City in the course of municipal operations and remaining unclaimed by the owner for a period of at least sixty (60) days after the property is no longer:

- (1) being held in good faith as potential evidence in any matter, charged or uncharged;
- (2) subject to forfeiture proceedings;
- (3) contraband or may contain contraband; or
- (4) is subject to other lawful retention.

Sec. 14.03. - Abandoned and unclaimed personal property.

(a)

It shall be illegal to abandon personal property on property owned by the city. Disposition of this property is in the public interest and the method to be used is to impound take custody of the property and dispose of it according to this chapter.

(b)

During the sixty (60) day period after the abandoned or unclaimed personal property has come into the lawful possession of the city, the property may be delivered or money ordered to be paid to the true owner upon proof of satisfactory ownership. If the true owner does not claim the property or money during the (60) day period, the property may be delivered or money paid to the person who delivered it to the city if at the time of delivery the person indicated in writing that the person wished to assert a claim to the property or money as a finder. If the property, other than money, remains unclaimed for the sixty (60) day period and the finder did not assert a claim to it, it shall then be disposed of according to Sec. 14.04.

(c)

Any money that remains unclaimed by either the true owner or the finder after the sixty (60) day period shall be deposited in the general fund of the department in possession of the money subject to the right of the true owner to reclaim upon satisfactory proof of ownership within six (6) months.

Sec. 14.04. - Process for Abandoned and Unclaimed Personal Property - Not Money.

(a)

~~Whenever the head of any department may deem it in the best interests of the city, he or she may order the impounding of custody of any abandoned or unclaimed personal property located on city property or lawfully coming into its possession. The department head or his or her designee shall take reasonable steps to attempt to identify the owner of the property and, where the owner has been identified, issue a written notice to the owner that the city intends to impound take custody of the property. If no response is received within twenty (20) at least sixty (60) days of such notice, or no true owner can be identified, the department head or designee shall post a notice describing the property on the city website and in the office of the city clerk and after fifteen (15) days issue an order impounding the property and then transmit a written request to the contract and analysis services section to commence action to dispose of the property and attach copies of the impoundment order and any notices to the property owner if the property is not claimed by the true owner, follow the procedures in subpart (b) below.~~

(b)

~~Upon receipt of a request the contract and analysis services section, A department who has custody of property under this section shall take reasonable steps to estimate the value of the item abandoned or unclaimed property. The contract and analysis services section department with custody shall determine the appropriate method of disposition of the property, including, but not limited to, internal use of the property within the city, legally disposing of the property, donating the property, or sale of the property either at public auction or consignment. If the item has no value, or if the estimated costs of disposing of the item would exceed the estimated revenue to be made from disposal, the contract and analysis services section department with custody may legally dispose of the property. If the item has potential value and bidders are available, the contract and analysis services section department with custody may sell the property to the highest bidder at public auction or through a competitive solicitation process following reasonable ten (10) days published notice on the City's website or in the legal newspaper. The notice must describe the article to be disposed of and announce the date, time, and place of the auction.~~

(c)

An employee of the city or other governmental entity using the services of the division may bid for abandoned or unclaimed property to be sold, in accordance with chapter 24 of the city administrative code and other applicable law. All sales of abandoned or unclaimed property conducted at a public auction shall be sold to the highest bidder and conducted under such procedures and by such means as shall give no individual or corporate bidder an advantage not available to all.

Sec. 14.05. - Use of proceeds.

~~The contract and analysis services section~~ Any department who conducts the process under Section 14.04 shall deduct any costs incurred in the disposal process, including, but not limited to, the costs of providing notice, transportation, storage and advertising, from the proceeds of the sale. The former owner shall have a right to payment of the sale price less all costs incurred, including staff time, upon application and satisfactory proof of ownership within six (6) months of the sale. Excess revenues received and not claimed by the former owner shall be deposited in accordance with adopted budget policies the general fund for disposal procedures by department who had custody and conducted the process under section 14.04. Where revenues are not sufficient to recover disposal costs, such costs shall be borne by the department initiating the impoundment custody and conducting the process under Section 14.04 or such other funds as may be designated by the city

council. The department may, at its discretion, bill the former owner for any costs which exceed the revenues derived from disposal.

~~Sec. 14.06. – Applicability.~~

~~This section shall not apply to personal property subject to sale under the provisions of Minnesota Statutes Section 423.806.~~

Section 2

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.