

**ORDINANCE NO. 67****AN ORDINANCE PROVIDING FOR THE DISPOSITION OF ABANDONED PERSONAL PROPERTY AND REPEALING ORDINANCE NO. 1871.**

The City of Coos Bay Ordains as follows:

**Section 1. Definitions.**

**Abandoned.** Any property which has been left upon the real property of the city or upon, or attached, to any public dock of the city, without the owner, or person leaving the same, having first obtained the permission of the city therefor, or where any property shall have been left upon the real property, or upon or attached to any dock of the city, with the permission of the City but where the owner thereof has refused to remove said property after having been given 30 days' notice to remove the same by the city, or whenever property is found without an owner claiming it, or, by reason of arrest, confiscation, impoundment, or by any other means, comes into the hands of the city.

**Interested person.** The owner, conditional vendor, mortgagee or other person having an ownership interest in property or a legal claim to property coming into the hands of the city.

**Property.** All personal property except motor vehicles, weapons seized pursuant to state law, property the disposition of which is governed by court order, or intangible personal property.

**Section 2. Storage.** The city shall store the property at city hall or another authorized storage place pending investigation of ownership and disposition. The owner or operator of a place in which property has been stored by the city shall not release property without first having obtained a written release form from the city.

**Section 3. Investigation and Notification.**

- (1) The police department shall make diligent inquiry as to the name and address of any interested person.
- (2) The property shall be released to an interested person upon payment of any storage cost.
- (3) If an interested person is identified but has not contacted the city, the interested person shall be notified in writing as follows:
  - (a) A brief description of the property abandoned, shall be given including any serial numbers or other numbers identifying said personal property;
  - (b) That the property is being held by the city;
  - (c) That the city will, no sooner than 10 days from the date of the mailing of said notice, proceed to sell said property for cash to the highest bidder, and from the proceeds of sale, retain a sum sufficient to pay the costs of sale and the costs of storage.

**Section 4. Pre-sale Procedures.**

- (1) If an interested person cannot be found after due diligence, or if the interested person so notified within the time as provided in Section 3 hereof, shall fail to claim the property and pay to the city any storage costs owing thereon, then the property shall be deemed abandoned. From time to time the city shall hold a sale to dispose of abandoned property which has accumulated.
- (2) A notice shall be published in a newspaper of general Circulation in Coos Bay containing a brief description of the property involved, the owners thereof if known, and the day the property described therein will be sold at the time and place set forth in said notice. The notice shall be published not less than two times; the last publication of which shall be made not less than five days before such proposed sales.
- (3) A more detailed description of the property to be sold shall be posted in two conspicuous places in city hall at least seven days before the scheduled sales.
- (4) If any interested person applies to the city before the sale has taken place and submits satisfactory evidence of his interest, and pays any storage costs and the appropriate share of the notice publication costs, the city shall surrender the same to the claimant.
- (5) If no claim as to a particular property shall have been made before the time set for sale, that property shall be sold at the sale at the time and place appointed therefor.

**Section 5. Sales Procedure.**

- (1) The city manager, or such agent as he shall appoint to conduct said sale, shall sell each said property to the highest bidder for cash, and the city shall have the right to enter a bid for each said personal property, but not to exceed the amount of its cost incurred in connection with the seizing, keeping, and offering the same for sale. In default of bids from other, the manager may dispose of any property in his discretion without the necessity of taking further bids.
- (2) The proceeds of which sale shall be first applied to the payment of storage costs incurred, costs for making such sale, and the balance, if any, shall be paid the treasurer of the city of Coos Bay, to be credited to the general fund.
- (3) On the consummation of a sale, the manager shall deliver, on behalf of the city, a bill of sale conveying the property to the purchaser, and deliver possession.
- (4) The sale and conveyance shall be without redemption.

**Section 6. Repeal.** Ordinance No. 1871, enacted March 28, 1955, is repealed.

Passed by the Council and approved by the Mayor February 10, 1986.