

ORDINANCE NO. 102-84

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORDOVA, ALABAMA, AS FOLLOWS:

Section 1. TAKING UP AND STORING OF ABANDONED OR STOLEN PERSONAL PROPERTY:

The Chief of Police is hereby authorized to take up and store, in the office of the City Clerk, any abandoned or stolen personal property found within the Corporate limits or within the police jurisdiction of the City of Cordova, Alabama. All firearms are to be properly tagged and kept in the safe in the City Clerk's office. A permanent record giving the date of the taking of each piece of such property shall be kept under the direction of the Chief of Police, with a copy filed with the City Clerk. The property so taken shall be properly tagged and stored in a suitable place to protect it from deterioration. All expenses incurred in the taking up, storing, maintaining and selling the property shall be paid from the General Fund of the City by the Treasurer, upon the approval of the Chief of Police and the City Council.

Section 2. PROPERTY IN CUSTODY OF POLICE DEPARTMENT AS EVIDENCE: The Chief of Police is hereby authorized to store any personal property that comes into the possession of the Police Department as evidence in any case, in any Court, and to retain same until the case has been finally disposed of, including any appeals; on the conclusion of the case, said property, except prohibited firearms, is to be returned to the owner. Records of all such property shall be recorded and copy given to the City Clerk. Upon the conclusion of the case, the Chief of Police shall notify the owner, in writing, at his last known address, that said property is available to be returned to him. If the owner does not claim said property within three (3) months after the date of said written notice, or if the owner of the property should be unknown, the property shall be sold as hereinafter provided.

Section 3. REDEMPTION: The owner of the property taken up and stored may redeem the same at any time prior to its sale, by paying the reasonable expense of taking the property in charge, its storage and maintenance and pro rata cost of publication. The fee for same shall be set by the City Council.

Section 4. RECORDS: A permanent record shall be kept by the Police Department of all property coming into the possession of the Police Department, copy to be filed with the City Clerk, giving the date of the taking of each piece of such property, place where found and taken, and a description of each piece of property. The property so taken, or held as evidence, shall be stored in a suitable place to protect it from deteriorating, provided, however, if the property be perishable, the same may be sold at once, without notice, in which case the proceeds shall be held for a period of six (6) months for the account of the owner, and if not called for within that time, shall be converted into the General Fund. A report of such property shall be filed with the City Clerk.

Section 5. SALE AT PUBLIC AUCTION: The Chief of Police may, as often as every six (6) months, sell at public auction, to the highest bidder for cash, at the City Hall, the property which shall have been taken up and stored for a period of three (3) months or more, such sale is to be made after giving notice of the time, place of sale, and a description of the property to be sold, by publication of a notice, once a week for two (2) consecutive weeks, in a newspaper of general circulation in the City of Cordova, the first publication to be at least twenty (20) days prior to the sale.

Each article shall be sold separately and a notation recorded in the storage record book, which shall be kept in the City Clerk's office, of the amount received by each article. The person making the sale shall have the right to reject any or all bids if the amount bid be unreasonably low, and shall have the right to continue the sales from time to time if no bidders are present or the amount bid is unreasonably low. The City Council shall be notified prior to each sale made.

SECTION 6. ABANDONED OR CONDEMNED RIFLES AND SHOTGUNS: Abandoned rifles or abandoned shotguns or rifles or shotguns that have been taken as evidence and are unclaimed, may be sold, but the same shall be sold only to licensed dealers and must be sold by sealed bid. The guns may be sold individually or in lots, whichever the City Council deems to the best advantage of the City. Any amount realized therefrom shall be promptly paid to the City Clerk, and the Chief of Police shall report such sale to the City Council in his next monthly report.

Section 7. PROHIBITED SALES: The following items shall not be sold under the provisions of this Ordinance; vis: alcoholic beverages, drugs and drug paraphernalia, gambling devices, prohibited knives, hand guns, or other items as determined by the Chief of Police to be contraband or which he determines should be destroyed.

Section 8. CASH: Any cash funds that are coming into the hands of the Police Department or cash that may be in any device or in gambling devices, or comes into the hands of the Police Department in any way, shall be paid immediately into the General Fund, by delivery thereof to the City Clerk, who will issue a receipt therefor to the Chief of Police, designating in said receipt the exact name of the person, firm or corporation from whom said cash funds were taken and, if known, the name or style of the case and docket number. The Chief of Police shall, after delivering any such cash to the City Clerk, report in writing to the City Council, that he has delivered the cash to the City Clerk and set forth all information pertaining thereto by which the same could be identified. The report shall be made to the City Council in the monthly report of the Police Department.

Section 9. AUCTIONEERS - PERSONS PRESENT: At all auctions, the Chief of Police or such police officer as he may designate, shall act as auctioneer, and there shall be present at said auction the Chairman of the Police Committee or Public Safety Committee, or a member of the City Council, for the purpose of observing said auction, and seeing that said auction is fairly conducted in accordance with the provisions of this Ordinance.

Section 10. NO SALE TO POLICE OFFICER OR CITY EMPLOYEE: No property which is sold under this Ordinance shall be sold to any officer or employee of the City of Cordova, Alabama, and no such officer or employee, either directly or indirectly, shall bid on, negotiate for, or buy, any property under the provisions of this Ordinance. Any officer or employee of the City of Cordova, Alabama, who directly or indirectly bids on, negotiates for, or buys, any property under the provisions of this Ordinance, on conviction, shall be punished by a fine or not more than Five Hundred Dollars (\$500.00) or a sentence in the City Jail of not more than sixty (60) days, one or both.

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Section 11. SEVERABILITY: This Ordinance shall be construed liberally. If any section, part of any section, or any portion or provision of this Ordinance is declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections or provisions of this Ordinance.

Section 12. GEOGRAPHICAL LIMITS: This Ordinance shall apply to the Corporate limits of the City of Cordova, and its Police Jurisdiction.

Section 13. EFFECTIVE DATE: This Ordinance shall take effect upon publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CORDOVA, ALABAMA,
on this, the 27th day of March, 1984.

MAYOR, City of Cordova

ATTEST:

City Clerk

APPROVED:

MAYOR, City of Cordova