

YALE CITY CODE

Chapter 21

PRIVATE PROPERTY

Article 1. Abandoned Personal Property.

Sec. 21-1. Definitions.

- (a) "Chief of Police" shall mean the Chief of Police of the City of Yale, Oklahoma.
- (b) "Tangible personal property" is defined for purposes of this chapter as any property which is not covered by the provisions of Title 60, O.S., §§ 651 through 688; and which shall remain unclaimed, unidentified, and in the possession of the Chief of Police of the City of Yale or his authorized representative, for a period in excess of ninety (90) days.

Sec. 21-2. Disposition of abandoned property.

Any unclaimed and abandoned tangible personal property which shall be and remain in the possession of the Chief of Police of the City of Yale, or his authorized representative, unclaimed, or the ownership of which shall not be to him satisfactorily established shall be sold. Provided, however, that any such unclaimed and abandoned property that shall have been delivered to the City of Yale by any person who is not employed by the said city, then the property shall be delivered back without costs to that person after the expiration of said ninety (90) day period. Provided, further, that at the expiration of said ninety (90) day period, the Chief of Police, or his duly authorized representative, shall give notice to the finder of the abandoned personal property, stating that the property is considered lost and abandoned and might be reclaimed within ninety (90) days at the City of Yale. If said finder fails to reclaim that property which he previously had placed in the custody of the City of Yale, then the Chief of Police or designated person shall once again consider the property to be unclaimed, lost and abandoned and shall place said property for sale at public auction to the highest bidder.

Sec. 21-3. Disposal of Property.

- (a) The Chief of Police is authorized to dispose of personal property which has come into his possession as provided for in Title 11, Section 34-104 of the Oklahoma Statutes if:
 - (1) The owner of the personal property is unknown or has not claimed the property after any required notices.

YALE CITY CODE

- (2) The property or money or legal tender has been in the custody of the Chief of Police for at least ninety (90) days.
- (3) The property or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

(b) Nothing contained in this article shall be nor is it intended to conflict with the provisions of Title 11, Section 34-104 of the Oklahoma statutes, and all tangible and abandoned personal property which shall be reported to the proper authorities of the City of Yale shall be governed by the provisions of such Statute. (Ord. No. 390)

Sec. 21-4. Application for Disposal.

(a) Provided the property or money or legal tender or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation such property may be disposed of provided however that in the event the property, money or legal tender was seized by the police department in connection with a criminal investigation or arrest, this determination shall be made by the court which has jurisdiction over the criminal offense. If an information or indictment is pending, pursuant to Title 22, Section 1321 of the Oklahoma Statutes, or by a prosecuting authority if charges have been disposed of or have been declined.

(b) The City of Yale may file an application in the District Court of Payne County requesting the authority of the court to conduct a sale of the personal property, which has a market value. The application shall contain a list describing the property, the date the property came into possession of the City of Yale, and the name of the owner and the person in last possession, if different, and the address of the person, if known. The hearing on such application shall be held in conformity with the provisions of Title 11, Section 34-104 of the Oklahoma Statutes. (Ord. No. 390)

Sec. 21-5. Notice of Hearing.

In any instance where said property has an actual or apparent value of more than Two Hundred Fifty Dollars (250.00), at least eleven (11) days prior to the date of the hearing, the City of Yale shall cause written notice of the hearing to be sent by first class mail, postage prepaid, to each owner and person last in possession of the property at the address listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served written notice by first class mail, notice shall be provided by one publication at least three (3) days prior to the hearing in a newspaper of general circulation in the

YALE CITY CODE

City of Yale. The notice shall contain the place and date of the hearing and a description of the property, or the location of a list available for review during business hours in which the property is described and any known owner identified. The notice shall be posted at the front door of Yale City Hall and two other public places in the City of Yale. (Ord. No. 390)

Sec. 21-6. Disposal of Property.

If no owner appears and establishes ownership to the property at the hearing, the Court shall enter an order authorizing the City of Yale to dispose of the property as provided for in Title 11, Section 34-104 (D) of the Oklahoma State Statutes. (Ord. No. 390)

Sec. 21-7. Notice to holders of mortgages.

It shall be the duty of the City of Yale to use reasonable diligence in searching for the name of the owner of unclaimed property. If the City of Yale can ascertain the name of such owner then it shall cause there to be made a search of the records to determine whether or not there is any unpaid chattel mortgage or financial agreement covering such property, then it shall cause there to be given at least ten (10) days notice by registered mail to the holder or holders of such mortgage or mortgages, if their addresses can be ascertained.

Sec. 21-8. City to sell property.

The City of Yale shall cause all the abandoned and tangible personal property in the possession of said city to be sold at public auction. The City of Yale shall be responsible for setting the dates, times and places of such public auction. All property which is considered abandoned, lost or unclaimed shall be put up for sale at said auction and shall be sold to the highest bidder thereat for cash only. It is further provided that no employee of the City of Yale shall be permitted to purchase any of such goods or property as herein defined. It shall further be the duty of the City of Yale to keep a record of all lost, unclaimed or abandoned property in the possession of the City, a description of the property, the name of the finder, date of sale or other disposition of the property, the price obtained.

Sec. 21-9. Proceeds of Sale.

Proceeds from all such public auction sales held within the City of Yale shall immediately be delivered to the City Clerk and credited to the general fund of the City of Yale. The City of Yale shall cause there to be executed and delivered to each purchaser of the

YALE CITY CODE

properties offered for sale, a bill of sale for the property, and a duplicate shall be delivered to the City Clerk.

Sec. 21-10. Redemption by owner.

The owner or any other person entitled to possession of any such property may redeem that property at any time prior to the time set for sale, even though the notice of sale has already been given in accordance with the terms of this article. Before any such property shall be redeemed, the owner or person entitled to possession shall be required to pay all fines and costs assessed by the municipal court, costs of publication, and costs of notification, any charges incurred by the City of Yale due to the possession of said property. Provided, however, nothing contained herein shall be construed nor intended to be in violation of Title 15 O.S. §§ 511 through 518.

Sec. 21-11. Intangible Personal Property.

Disposition of intangible personal property by the City of Yale and by the Yale Police Department shall be conducted and governed by the provisions of Title 60 O.S. §659.1 of the Oklahoma Statutes.