

**ORDINANCE NO. 2016-1221**

**AN ORDINANCE TO AMEND CHAPTER 46, SECTION 1  
OF THE CITY'S CODE OF ORDINANCES  
"ABANDONED AND STOLEN PERSONAL PROPERTY"**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, as follows:**

**SECTION 1.** That Chapter 46, Section 1, of the Code of Ordinances for the City of Orange Beach, Abandoned and Stolen Personal Property, is hereby amended to read as follows:

**Sec. 46-1 Storage and Disposal of Stolen and Abandoned Property.**

(a) *Generally* – Every item of personal property taken up or coming into the possession of any police officer of the City in his official capacity as lost, stolen abandoned or otherwise, shall be delivered to the custody of the Chief of Police or the Chief's designated representative and shall be stored and disposed of according to the provisions of this section.

(b) *Storage* – Property taken up as provided in subsection (a) of this section shall be stored by the Chief of Police or the Chief's designated representative in a suitable place to protect it from deterioration and held for a period of not less than three (3) months, excepting, however, that perishable property may be sold at once as provided in subsection (d) of this section.

(c) *Sale* – at least every six (6) months, the Chief of Police; or the Chief's designated representative shall sell at public auction, to the highest bidder for cash, the property which has been taken up and stored for a period of three (3) months or more as provided in this section, such sales to be made after notice of the time and place thereof shall have first been given as required by law. Each article shall be sold separately and the person making the sale shall have the right to reject any and all bids if the amount bid is unreasonably low, and shall have the right to continue the sale from time to time if all bids are rejected or if no bidders are present. The proceeds of any such sale shall be promptly paid into the general fund of the City.

(d) *Perishable Property* – If property in the possession of the Chief of Police as provided in this section is perishable, the Chief of Police or the Chief's designated representative may sell such property at public or private sale at once and without notice, in which case the proceeds shall be promptly paid to the City Clerk and there 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 of the City.

(e) *Redemption by Owner* – The owner of any property taken up and stored under this section, on proof of ownership, or any person having the legal right to possession thereof, on proof of such right, may redeem the same at any time prior to sale by paying the reasonable expense of taking the property in charge, its maintenance and storage, and a pro rata share of the cost of publication if notice of sale has been published.

(f) *Record Book* – The Chief of Police shall maintain a permanent storage record book containing a description of the property, the date of the taking of each piece of such property, the place where found and taken, the name of the person to whom the property is sold or delivered, and the price paid if such property was disposed of by sale.

(g) *Property Held as Evidence* – Every item of personal property taken in as evidence in connection with the investigation of the breach of any law or ordinance, if unclaimed by the owner thereof for thirty (30) days after final disposition of the case wherein the property is held as evidence, shall be entered in the storage record book and thereafter disposed of as provided in this section.

(h) *Exceptions* – The provisions of this section shall not apply to:

(1) contraband or other property, the disposition of which is directed by statute, or to lost or abandoned personal property found within the City or within its police jurisdiction and left by the finder thereof with the police department pending the location of the true owner, but such property shall be disposed of according to law in such cases made and provided; or

(2) to any item of beach equipment removed from the beach by a law enforcement officer or beach inspector as abandoned pursuant to Chapter 30, Article VI of the City's Code of Ordinances; such property upon abandonment under such section being inherently debris and litter injurious to the maintenance of the beach project and to public safety and welfare may be summarily disposed of or recycled by the City in such manner as may be authorized by the Mayor, with any proceeds realized from such disposal or recycling to be used to defray the costs of the maintenance and regulation of the beach project pursuant to § 11-47-251 of the Code of Alabama.

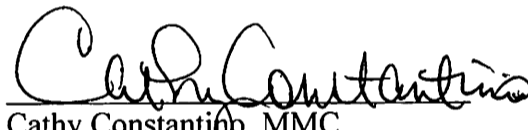
**Sec. 54-..... Violations and Penalties.**

Violations of this ordinance shall be punished in accordance with Chapter 1 of the City's Code of Ordinances.

**Sec. 54-..... Effective Date.**

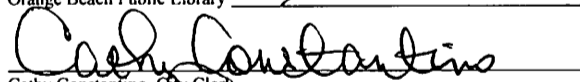
This ordinance shall become effective immediately upon its adoption and publication as required by law.

**ADOPTED** this 1<sup>st</sup> day of March, 2016

  
Cathy Constantino, MMC  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2016-1221 was posted on 03/07/16 in the following three

(3) public places:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

  
Cathy Constantino, City Clerk