

ORDINANCE 961

AN ORDINANCE FOR THE DISPOSAL OF UNCLAIMED  
AND ABANDONED PROPERTY

WHEREAS, the City of Brownsville, Tennessee, Board of Mayor and Aldermen have recognized that a large amount of personal property that has been unclaimed, abandoned, or lost has accumulated and that a process consistent with Tennessee General Law; and

WHEREAS, it is to the benefit of the various departments of the City of Brownsville to follow this procedure to dispose of these items and to generate revenue for the City of Brownsville, Tennessee.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Brownsville, Tennessee:

Unclaimed personal property—Forfeiture; notice to owner.

- (a) All unclaimed personal property which comes into the possession of the City Court or other department of the City shall, if it remains unclaimed for a period of three hundred sixty-five (365) days, be delivered to the purchasing agent to be forfeited and disposed of as surplus property. Prior to disposal of the unclaimed personal property, the purchasing agent shall make reasonable efforts to notify the owner, including mailing notice to the owner of such personal property by certified mail to such owner's last known address if such has not been done by the department that came into possession of such unclaimed/abandoned property before delivery to the purchasing agent.
- (b) All unclaimed/abandoned personal property from any citizen or business which comes into the possession of the Brownsville Police Department and which remains unclaimed for a period of three hundred sixty-five (365) days thereafter shall be declared abandoned and all rights, interests, and/or ownership shall be forfeited by the owner. The Chief of Police shall declare such unclaimed personal property abandoned and may dispose of such property by the following means: (a) internet auction; (b) destruction; or (c) may be diverted to city property. Any articles declared by the Chief of Police to be sold at auction shall have a complete inventory list prepared which shall be delivered to the city purchasing agent. Prior to disposal of the unclaimed personal property, the purchasing agent shall make reasonable efforts to notify the owner, including mailing notice to the owner of such personal property by certified mail to such owner's last known address if such has not been done by the department that came into possession of such unclaimed/abandoned property before delivery to the purchasing agent.

Methods of disposal of Unclaimed Personal Property.

- (a) The purchasing agent shall dispose of unclaimed/abandoned personal property which comes into the possession of the Police Department, City Court and/or other departments of the City, by any method of disposal authorized pursuant to T.C.A. §

12-2-403. Methods of disposal shall include sales at public auction, publicly advertised and held; sale under sealed bids, publicly advertised, opened and recorded; sale by internet auction; negotiated contract for sale, at arm's length; but only in those instances in which the availability of the property is recurring or repetitive in character, such as marketable waste products, for disposal of the property as it is generated in the most economically feasible, fiscally sound, and administratively practicable method for the City to utilize; trade-in, where such is permitted due to the nature of the property or equipment and under the terms and conditions of the contract by which the City replaces the property as authorized by T.C.A. § 12-2-403.

- (b) Notice of any public auctions and sales under sealed bids, as provided in this part, shall be publicly advertised and publicly held. Notice of intended disposal by public auction or sale under sealed bid shall be entered by the purchasing agent in at least one (1) newspaper of general circulation in Haywood County or the county in which the disposal is to be made. Such notice shall specify and reasonably describe the property to be disposed of, the date, time, place, manner, and conditions of disposal, all as previously determined by the purchasing agent in accordance with the regulations of the City. The advertisement shall be entered in the public notice or equivalent section of the newspaper and shall be run not less than one (1) day. Disposal shall be made not sooner than seven (7) days after the last day of publication nor later than fifteen (15) days after the last day of publication of the required notice, excluding Saturdays, Sundays, and holidays. Prominent notice shall also be conspicuously for ten (10) days prior to the date of disposal, excluding Saturdays, Sundays, and holidays, in at least two (2) public places in Haywood County or the County where the disposal is to be made. Furthermore, notice shall be sent to the County Clerk of Haywood County and such notice shall be posted in the Haywood County Courthouse unless otherwise directed by the purchasing agent.
- (c) Notice of intended disposal by internet auction shall be posted on the city's web site and the Police Departments web page notifying the public of such intend sale. Such notice shall specify the site and provide a link to the online auction site in which any citizen may view and/or bid on any article. The Web Page notice shall be displayed on a basis of twenty-four (24) hours a day, seven (7) days per week. Such Web Page notice shall serve as a permanent notice thereby excluding section 2 requirements and reasonably describe the property to be disposed of, the date (s), time, manner and conditions of disposal, all as previously determined by the internet auction provider in accordance with the contract and/or signed agreement with the Police Department.
- (d) The purchasing agent shall furnish the City Finance Officer a list of all articles disposed of by surplus, the method of disposal of such surplus property, and the price obtained as a result of the sale of any surplus property disposed of in accordance with T.C.A. § 12-2-403.
- (e) The Chief of Police or his designee shall obtain from the contract vendor a list of all abandoned/unclaimed items disposed of by the vendor for the department, the method of disposal and the price obtained as a result of the sale of any unclaimed/abandoned property. Documentation of disposed items of shall be furnished to the Purchasing agent by the police department.

Same—Disposition of proceeds of sale.

- (a) Any money received from the sale of unclaimed personal property of the Brownsville Police Department, as provided in this article, shall be paid to the Brownsville Police Department by the contract vendor. The Police Chief or his designee shall deposit all such monies received by the department to the City Treasurer's office upon receipt of any payments from the vendor.
- (b) Any money received from sales of unclaimed/abandoned personal property which has been in the possession of the departments of fire and/or police shall be kept in a separate account by the city treasurer and, quarterly, the city treasurer shall pay the amount of these proceeds into the firemen's and policemen's insurance and pension fund.
- (c) If the owner of any article of unclaimed/abandoned personal property sold shall, present satisfactory proof to the city that he was the owner of any article sold within a period of thirty (30) days after the sale, he shall be entitled to the proceeds of the sale thereof, less his proportionate share of the expenses of the sale.
- (d) All funds received from the sale of unclaimed, abandoned or surplus property from any other city departments shall be paid by the purchasing agent into the city treasury and shall certify to the city treasurer. The purchasing agent shall certify to the city treasurer the expense incurred in making the sale or otherwise disposing of such property, including the costs and expenses of storage during the period such property was in the possession of the city. All funds received from the sales of unclaimed/abandoned personal property in all other city departments except Fire and Police shall be paid into the city general fund.

THIS ORDINANCE shall become effective upon its final passage by the Board of Mayor and Aldermen of the City of Brownsville, Tennessee, the public welfare requiring it.

Passed First reading 11-19-19

Passed Second reading: 12-10-19

  
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WILLIAM D. RAWLS, JR., Mayor

Attest:

  
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SHERRY BATCHELOR, City Clerk

