



RESOLUTION NO. 2019 – 16

A RESOLUTION ESTABLISHING A PROCEDURE FOR DISPOSITION OF UNCLAIMED TANGIBLE PERSONAL PROPERTY THAT COMES INTO POSSESSION OF THE BELGRADE POLICE DEPARTMENT

WHEREAS, 7-8-105, MCA, establishes the minimum requirements for an ordinance or resolution that provides for disposal of unclaimed tangible personal property in possession of law enforcement for which state law does not otherwise provide a procedure for disposition; and

WHEREAS, the Belgrade Police Department (BPD) does come into possession of a number of unclaimed tangible personal property items; and

WHEREAS, it appears to be in the best interests of the City of Belgrade and the inhabitants thereof that a policy be established to dispose of unclaimed tangible personal property in the possession of the Belgrade Police Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELGRADE, MONTANA:

Section 1. The City of Belgrade hereby establishes the following policy for disposal of unclaimed tangible personal property that may come into the possession of the Belgrade Police Department (hereafter “unclaimed property”).

Section 2. For the purpose of this policy, the term “unclaimed property” does not include:

- A. Property valued at less than \$20.00
- B. Intangible property
- C. Property that constitutes contraband or is otherwise illegal to possess
- D. Firearms
- E. Property with evidentiary value in any criminal case
- F. Property for which state law provides a procedure for disposition

Section 3. The Belgrade Police Department is not required to take possession of any unclaimed property and may refuse to take possession of any unclaimed property.

Section 4. If the Belgrade Police Department does take possession of unclaimed property, the Belgrade Police Department will take reasonable steps to identify and contact the legal owner of the unclaimed property.

Section 5. If the legal owner of the unclaimed property cannot be identified or contacted through reasonable means, the Belgrade Police Department will list the unclaimed property on the Belgrade Police Department's website or other Belgrade Police Department's electronic media sites for three (3) months. The listing must contain:

- A. The location and date (where and when) the property was found, if that information is known
- B. Information about how the legal owner of the unclaimed property may reclaim the property
- C. Notice that if the property remains unclaimed for a period of three (3) months from the date of listing, the property will be either destroyed, returned to the finder, donated, or sold at public auction to the highest bidder

Section 6. Upon receipt of proof of legal ownership, the Belgrade Police Department will restore the unclaimed property to its legal owner.


Section 7. If, after three (3) months, the legal owner of the unclaimed property has not reclaimed the property, the Belgrade Police Department may notify and offer the unclaimed property to the finder if the finder has provided contact information at the time they turned over the unclaimed property to the Belgrade Police Department.

Section 8. Upon receiving notice that the unclaimed property may be claimed by the finder, the finder has ten (10) days to claim the property.

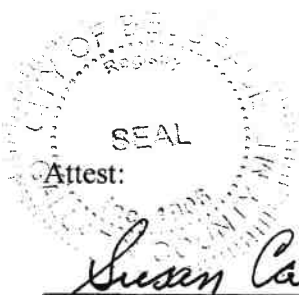
Section 9. If neither the owner nor the finder claims the unclaimed property, the unclaimed property may be donated to another government or non-profit entity, sold at public auction to the highest bidder, or destroyed as allowed by local, state, or federal law. Any proceeds from an auction will be deposited into the general fund.

Section 10. Once the disposition of the unclaimed property is determined, notice of the planned disposal, donation, auction or return to the finder will be provided to the City Clerk. The City Clerk will then initiate public notice including publication at least one (1) time in a newspaper of general circulation in the City of Belgrade, at least ten (10) days prior to the planned action.

PASSED by the City Council of the City of Belgrade, Montana and APPROVED this 1st day of July, 2019.



Russell C. Nelson, Mayor



Attest:



Susan Caldwell, City Clerk