



NORTH OGDEN CITY

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MEMORANDUM

TO: City Council, North Ogden City
FROM: Dave Carlson, City Attorney
DATE: March 2, 2011
RE: *Disposal of Evidence and Unclaimed Property*

Dear City Council Member:

By adopting this ordinance you authorize the Police Department to dispose of property no longer needed as evidence and unclaimed property following the provisions of state law. State law requires that you give this authority to the Police Department, specify the manner of disposal and decide the purpose for which the proceeds from disposal may be used.

The procedure in the ordinance mirrors the specific requirements of state law. The ordinance gives flexibility in the manner of disposal by allowing any commercially reasonable method approved by the City Manager and City Finance Director. Revenue from the sale goes back into the City's general fund under a specific revenue line item that will help to track how much money is generated by this process. For weapons that are not returned to the rightful owner, state law gives cities discretion to allow their police departments to retain them for their own use. Our Police Department requests that you give it that authority and the ordinance is drafted that way.

Unclaimed property is property that is "found" and turned over to the Police Department for safekeeping. There is a process by which someone who finds an item of property can obtain title to it by this method if the rightful owner does not claim it. The ordinance restricts the Police Department from accepting property worth less than \$50. for the reason that the cost of looking for owners, advertising and storing is not worth accepting items of lesser value.

If you have any questions, I will be happy to try to answer them.