

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA
WITH RESPECT TO **ABANDONED PROPERTY**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Subsection (c) of section 3-11-1 of the Code of Athens-Clarke County, Georgia, entitled "*Return to rightful owner; temporary retention as evidence*" is hereby amended by deleting the words "an affidavit" and adding the words "a receipt," so that the new subsection is:

"Sec. 3-11-1. – Return to rightful owner; temporary retention as evidence.

(c) Any person claiming ownership of any abandoned or lost property shall furnish satisfactory proof of ownership and adequately identify themselves, whereupon the property shall be delivered to such person. The person to whom property is delivered shall sign a receipt declaring ownership of the property which shall be retained by the police department. If there is no other documentary proof of ownership available, such a declaration shall be deemed satisfactory proof of ownership of the property. The delivery of the property shall be without prejudice to the rights of any other person who may claim an interest in such property."

SECTION 2. Section 3-11-1 of the Code of Athens-Clarke County, Georgia, entitled "*Return to rightful owner; temporary retention as evidence*," is hereby amended by adding the following new subsection (e):

"Sec. 3-11-1. – Return to rightful owner; temporary retention as evidence.

(e) The Athens-Clarke County Police Department shall maintain a publically accessible summarized announcement of this process, as well as the process outlined in 3-11-2, on the Public Announcements page of their website and circulate this information via social media on a quarterly basis."

SECTION 3. Subsection (a) of section 3-11-2 of the Code of Athens-Clarke County, Georgia, entitled "*Advertisement and sale*" is hereby amended by deleting the words "180" and "department of general services," and adding the words "90," and "central services department," so that the new subsection is:

"Sec. 3-11-2. – Advertisement and sale.

(a) Lost or stolen property being held by the police department which is not claimed by the rightful owner thereof within 90 days from the date it came into possession of the police department shall be turned over by the police department to the central services department for sale. Any property not sold at such a sale may be held for use or future sale by Athens-Clarke County and if it appears that such property is unusable by Athens-Clarke County and that the expense of holding and retaining such property would exceed any proceeds derived from its sale, then Athens-Clarke County may destroy such property. Appropriate records shall be maintained concerning such destruction."

SECTION 4. Subsection (b) of section 3-11-2 of the Code of Athens-Clarke County, Georgia, entitled “*Advertisement and sale*” is deleted in its entirety and the following new subsection inserted in lieu thereof:

“Sec. 3-11-2. – Advertisement and sale.

(b) When any such property is to be sold, the central services department shall then publish a notice of sale once a week for four (4) consecutive weeks in the newspaper in which sheriff’s sales are advertised. The notice of sale shall give a full and complete description of the property to be sold; the time date, place and terms of the sale; and shall state that the property to be sold was lost or stolen and recovered by the police department more than 90 days prior to the date of publication of the notice. A copy of the notice of sale shall be posted in the courthouse at least 30 days prior to the sale. The notice of such sale with a link to the property descriptions, time, date, place, and terms of sale shall be posted on the ACC Civic Alerts web page 30 days prior to the sale with social media alerts circulated via the Public Information Office once a week until the date of the sale.”

SECTION 5. Subsection (c) of section 3-11-2 of the Code of Athens-Clarke County, Georgia, entitled “*Advertisement and sale*” is hereby amended by deleting the word “general” and adding the word “central,” so that the new subsection is:

“Sec. 3-11-2. – Advertisement and sale.

(c) All sale shall be reported by the central services department to the mayor and commission at the next regular meeting following such sale.”

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.