

## **ORDINANCE NUMBER 2908**

### **AN ORDINANCE ADOPTING AND ENACTING PROCEDURES AND REQUIREMENTS FOR UNCLAIMED PROPERTY FOR THE CITY OF VESTAVIA HILLS POLICE DEPARTMENT AND MUNICIPAL COURT**

**WHEREAS**, in 2013, the Code entitled "The Code of Ordinances of the City of Vestavia Hills, Alabama," ("the Code") was re-published by Municipal Code Corporation, consisting of chapters 1 through 17, each inclusive, was adopted; and

**WHEREAS**, Municipalities in Alabama are exempt from the Uniform Disposition of Unclaimed Property Act of 2004 by virtue of Title 35-12-73(a)(2) and Title 11-40-15, Code of Alabama, 1975; and

**WHEREAS**, additions or amendment so the code are needed to address unclaimed property within the Vestavia Hills Police Department and the Vestavia Hills Municipal Court and procedures for handling same; and

**WHEREAS**, the Mayor and City Council find it in the best public interest to make the necessary additions or amendments a part of the Code in order to establish procedures for handling of unclaimed properties in the Vestavia Hills Police Department and Vestavia Hills Municipal Court.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA**, that the City's code be amended as follows:

#### **SECTION 1. ABANDONED AND STOLEN PROPERTY.**

- A. For the purpose of this Ordinance Number 2908, the term "Property" shall mean any cash property, including, but not limited to any amounts forfeited, abandoned or stolen which is received and is held and stored for a requisite period of time as established by state, county, local laws and departmental rules and procedures.
- B. Property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:
  - 1. Property held by a court, government, governmental subdivision, agency, or instrumentality becomes distributable in accordance with State, county, local, and departmental rules and procedures.

2. Police forfeitures as applicable laws.
- C. Property is unclaimed if, for the applicable period set forth in subsection (a), the apparent owner has not communicated in writing, or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held, and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

**SECTION 2. PROCEDURE FOR REDEMPTION OF ABANDONED PROPERTY.**

- A. An indication of an owner's or apparent owner's interest in property includes any of the following:
1. The presentment of a check or other instrument of payment.
  2. The making of a deposit to or withdrawal from a bank account. Any correspondence in writing from the holder to the apparent owner, such as the mailing of a statement, report of interest paid or credited, renewal of a deposit or other written information relating to the deposit shall be construed to mean that the apparent owner has indicated an interest in the deposit if the correspondence in writing is not returned to the holder for non-delivery thereof. Any activity or indication of interest by an apparent owner in the deposit or in any other deposits in a holder shall be construed to be activity and indication of interest in all other deposits of the apparent owner in the holder.
- D. Property is payable or distributable for purposes of this article notwithstanding the failure of the owner or apparent owner to make demand or present an instrument or document otherwise required to obtain payment.
- E. Upon declaring property unclaimed under section (a) and (b) the City of Vestavia Hills shall promptly deposit the unclaimed property in the departmental designated accounts.
- F. The City of Vestavia Hills shall retain 10% of all unclaimed property in the Unclaimed Property Reserve Fund.

G. A holder of property presumed abandoned shall make a proof of claim to the City of Vestavia Hills Finance Department concerning the property. The report shall be filed in person. The City of Vestavia Hills Finance Department may grant an exception upon written request as established by rule.

1. The proof of claim must be verified, balanced, and shall contain, but not limited to:
  - a) A description of the property;
  - b) copy of the owners driver's license or any official form used for identification;
  - c) The owners current address and list of all addresses used that may be associated with the property being claimed;
  - d) The owners Social Security number;
  - e) A daytime phone number(s).
2. The City of Vestavia Hills shall review the request of claim and take one (1) of the following steps:
  - a) Contact the claimant for additional information;
  - b) Deny the claim by written notification; or
  - c) Accept the claim for ownership and submit payment within thirty (30) days of the date of the claim submission.

### **SECTION 3. REPEALER.**

In the event that any Ordinance or part thereof is in conflict with this Ordinance, then said Ordinance or part is hereby deemed repealed

### **SECTION 4. SEVERABILITY.**

If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance Number 2908 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

**DONE, ORDERED, ADOPTED and APPROVED** this the 27<sup>th</sup> day of January, 2020.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2908 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 27<sup>th</sup> day of January, 2020, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Rebecca Leavings  
City Clerk