

Chapter 14

PROPERTY

ARTICLE I. PERSONAL PROPERTY

Sec.14-1 Unclaimed or abandoned personal property to be sold.

All unclaimed or abandoned personal property of every kind except abandoned motor vehicles, whiskey, wine, beer, junked motor vehicles, gambling paraphernalia or prohibited weapons seized by any law enforcement officer or official of this City which is not held as evidence to be used in any pending case and has not been ordered to be returned to the person entitled to possession of the same by a magistrate, and which shall remain unclaimed for a period of thirty (30) days, shall be delivered to the Chief of Police for the City or the City Manager for sale as herein provided. (Ord. No. 64, 8-17-78)

Sec.14-2 Notice to owners of property.

The City official who has received said property shall cause a notice to be mailed to the last known address of the owner by certified mail. Such notice shall describe the property being held, give the name and address of the official holding such property and shall state that if the owner shall not claim said property within one hundred twenty (120) days from date of the notice, such property will be sold at public auction and the proceeds of such sale, after deducting the reasonable expense of keeping such property and the cost of the sale, shall be placed in the City's General Fund. (Ord. No. 64, 8-17-78)

Sec.14-3 Publication of notice if owner or address of owner unknown.

If the owner of such property is unknown or if the address of the owner is unknown, then the City official in possession of said property will cause to be published once in the newspaper a notice containing a description of the property held, the name of the owner, if known, the name and address of the official holding such property, and a statement that if the owner does not claim property within 120 days from date of the publication, such property may be sold and the proceeds disposed of in the manner herein provided. (Ord. No. 64, 8-17-78)

Sec.14-4 Public auction of property and notice thereof.

After all required notices of Sections 14-2 and 14-3 have been satisfied, there shall be conducted a public auction at such place and time as may be designated by the City official in charge of said property, and at least three weeks prior to the date of said sale, there shall be published at least once in the newspaper notice of said sale designating the date and place that said sale will occur and the name of the owner if known. (Ord. No. 64, 8-17-78)

Sec.14-5 Conduct of public auction.

The sale as herein provided shall be conducted as other public auctions, and the City Official may reject any and all bids that he may deem improper and inadequate and may require

that the successful bidder deliver cash or certified funds by 5:00 P.M. of the day of sale or declare the sale void. (Ord. No. 64, 8-17-78)

Sec.14-6 No warranty as to goods sold; receipt to purchaser.

All property sold pursuant to this Chapter shall be sold in "as is, where is" condition and there shall be no warranty of any nature made by the City. The official conducting the sale shall deliver an appropriate receipt to the successful bidder and the receipt shall constitute evidence of transfer for the successful bidder. (Ord. No. 64, 8-17-78)

Sec.14-7 Real owner's right to claim proceeds of sale; suit for proceeds.

The real owner of any property sold pursuant to this Article shall have a right to file a claim to the net proceeds of sale with the City Council. If the Board allows the claim, the City shall pay the owner such net funds as were paid into the general fund of the City as the net proceeds of sale. If the claim is denied by the Board or if they fail to act upon the same within ninety (90) days, the claimant may sue the City in a court of competent jurisdiction in the county and upon sufficient proof of ownership recover judgment against the City for an amount not to exceed net proceeds of the sale for the property claimed. Ord. No. 64, 8-17-78)

**ARTICLE II.
REAL PROPERTY**

Sec.14-8 Erosion of property declared hazard.

If any portion of the land located within the boundaries of the City according to the mapped and platted subdivisions or un-subdivided portions thereof, is eroded as the result of natural causes and said erosion causes the removal of land from a platted and/or mapped property located within the City, then, and in that event, said erosion is declared to be a hazard to the City and surrounding properties which requires restoration as hereafter provided. (Ord. No. 72, 6-6-79)

Sec.14-9 Restoration of eroded property by owner required.

Any property located within the City that has been eroded as the result of natural causes must be restored by the lawful owner of said property at least to its natural elevation prior to said erosion or other natural catastrophe. Any person whose property is so eroded by natural forces shall restore his property by the use of fill or other materials until said eroded area is restored to an elevation at least equal to the surrounding property. Said property owner shall only be required to restore that portion of the property that is located within the legal boundaries of the City of the platted boundaries of said property according to the map and/or plat records thereof recorded in the Deed records of the county or to the Boyles survey line, whichever line is more inland. (Ord. No. 72, 6-6-79)

Sec.14-10 Owner not required to restore if title disputed.

No property owner shall be required to restore any property to which the title thereof is disputed by any lawful authority. It shall be a defense under this Article for any person accused

of violating the same if it should be established that such person does not have lawful title to the area required to be restored. (Ord. No. 72, 6-6-79)

Sec.14-11 Notice to owner of erosion; unlawful not to commence correction within 20 days.

Whenever any erosion of the nature described in this Article is found to exist on any property within the City, the owner of such property shall be notified by the City, in writing, to commence correcting or remedying the erosion within twenty (20) days after such notice and said owner shall diligently pursue the correction and/or remedying of said erosion and it shall be unlawful for any person to fail to comply with such notice. (Ord. No. 72, 6-6-79)

Sec.14-12 Service of notice upon owner; publication.

The notice provided for by this Article shall be served personally on the owner to whom it is directed or shall be served by letter addressed to such owner at last known post office address according to the tax records of the tax assessor for the City. In the event personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two times within fourteen (14) consecutive days in the newspaper. (Ord. No. 72, 6-6-79)

Sec.14-13 Wreckage and debris to be removed.

Within four months following the cause of damage, wreckage and/or debris resulting from hurricanes, windstorms, high water, wave action or storm damage shall be cleared up and removed from all property to prevent littering the surrounding area. Failure to clean the premises is hereby declared a nuisance and shall be abated accordingly. (Ord. No. &77, 11-7-79)