

# CITY OF MELFORT

## BYLAW NO. 2014-22

### **A Bylaw to provide for the disposition of lost and unclaimed personal property in the possession of the City**

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The Council of the City of Melfort in the Province of Saskatchewan in open meeting hereby enacts as follows:

#### **Short Title**

1. This Bylaw may be cited as *The Unclaimed Personal Property Bylaw*.

#### **Purpose**

2. The purpose of this Bylaw is to provide for the disposition of lost and unclaimed personal property in the possession of the City.

#### **Definitions**

3. In this Bylaw:
  - a) “City” means the City of Melfort;
  - b) “Council” means the Council of the City of Melfort;
  - c) “Designated Officer” means a person designated by Council to deal with unclaimed personal property;
  - d) “Earlier Owner” means a person who has established a claim to the personal property prior to that of the City or the Owner, but does not include an Owner; and
  - e) “Owner” means a person who obtains unclaimed personal property from the City.

#### **Application**

4. This Bylaw shall apply to all unclaimed personal property in the possession of the City.

#### **Retention of Unclaimed Property**

5. The City of Melfort shall retain all unclaimed personal property in its possession for 90 days, except as provided in Section 6.
6. Any perishable unclaimed property in the City’s possession may be disposed of as soon as practicable after the property is received by the City.

## **Disposal of Unclaimed Personal Property**

7. (1) If personal property is not claimed within the time limit specified in Section 5, it becomes the property of the City, and the City may dispose of the property:
  - a) by donating it to any person or organization; or
  - b) by offering it for sale at public auction; or
  - c) by offering it for public tender;at the discretion of a Designated Officer.
- (2) Any personal property offered for sale at a public auction or for public tender pursuant to Subsection (1) that is not sold, may be disposed of in any manner that a Designated Officer may direct.
- (3) A person who acquires personal property from the City becomes the Owner of the personal property.
- (4) If no claim is made for the proceeds of the sale of the personal property within one year of the date of the sale, the proceeds of the sale form part of the general revenues of the City.

## **Claim by Earlier Owner**

8. (1) If the Earlier Owner of the personal property makes a claim for the property within one year from the date of the sale of the property, the claim of the Earlier Owner is a claim for the proceeds of the sale, and the City shall pay the proceeds of the sale to the Earlier Owner of the property, less any costs incurred by the City, including costs for hauling, storage, necessary expenses, and costs of the sale.
- (2) The person who buys unclaimed personal property at a public auction or by public tender is the Owner of that property.

## **Appointment of Designated Officers**

9. (1) The City Clerk is appointed as the Designated Officer for the purposes of this Bylaw.
- (2) The Designated Officer is authorized to further delegate his or her powers or duties under this Bylaw to an employee or agent of the City.

## **Coming Into Force**

10. This Bylaw shall come into force on the day of its final passing.

**INTRODUCED AND READ** a first time this 3<sup>rd</sup> day of November, 2014.

**READ A SECOND TIME** this 3<sup>rd</sup> day of November, 2014.

**READ A THIRD TIME** and passed this 3<sup>rd</sup> day of November, 2014

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Mayor

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City Clerk

**SEAL**

**CERTIFIED A TRUE COPY** of Bylaw No. 2014-22,  
adopted by Resolution of Council on the 3<sup>rd</sup> day of  
November, 2014.

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City Clerk