

## **SECTION 217.01. DISPOSAL OF ABANDONED, UNCLAIMED AND EXCESS PROPERTY.**

### **Subd. 1. Disposal of Abandoned Motor Vehicles.**

#### **A. Definitions.**

1. “Abandoned motor vehicle” means a motor vehicle as defined in Minnesota Statute § 169.01, Subd. 3, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. A classic car or pioneer car, as defined in Minnesota Statute § 168.10, shall not be considered an abandoned motor vehicle within the meaning of this Section if maintained on private property. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this Section.
2. “Vital component parts” means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

#### **B. Custody.** The City may take into custody and impound any abandoned motor vehicle.

#### **C. Immediate Sale.** When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction and shall not be subject to the notification, reclamation, or title provisions of this Section.

#### **D. Notice.**

1. When an abandoned motor vehicle does not fall within the provisions of Subparagraph C of this Subdivision, the City shall give notice within 10 days of the taking. The notice shall set forth the date and place of the taking; the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained; and the place where the vehicle is being held; shall inform the owner and any lien holders of their right to reclaim the vehicle under Subparagraph F of this Subdivision; and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents will be deemed a waiver by them of all rights, title and interest in the vehicle and

a consent to the sale of the vehicle and contents at a public auction pursuant to Subparagraph F of this Section.

2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by this Section.
2. Nothing in this Subdivision shall be construed to impair any lien of a garagekeeper under the laws of this State or the right of the lien holder to foreclose. For the purposes of this subparagraph E “garagekeeper” means an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subparagraph E of this Subdivision shall be sold to the highest bidder at public auction or sale, following 1 published notice published at least 7 days prior to such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles, which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certification of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.
2. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, maintaining and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the General Fund of the City.

G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Section.

H. Contracts and Disposal.

1. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.
2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed.
3. If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

**Subd. 2. Disposal of Unclaimed Property.**

- A. Definition. "Abandoned property" means tangible or intangible property, including cash and negotiable instruments, but not including motor vehicle subject to Subd. 1 herein, that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least 90 days and has been declared such by a resolution of the Council.
- B. Preliminary Notice. If the City Administrator knows the identity and location of the owner, the City Administrator shall service written notice upon the owner at least 30 days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Administrator, notice shall also be served upon the prior holder. Such notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of 30 days from the date of such notice.
- C. Retention of Property for City Use or Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Administrator shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state (1) that the property will be retained by the City for City use; or (2) that a sale of the property will take place and the time, place and manner of the sale of all such property is designated in the notice; or (3) in the case of cash or negotiable instruments, that the cash will be paid into the General Fund of the

City and negotiable instruments will be negotiated and the cash received therefore will be paid into the General Fund of the City. In the case of a sale of the property, such notice shall be published once at least 3 weeks prior to sale. In all other cases, the notice shall be published once within 3 weeks after the Council resolution declaring the property to be abandoned property. In the event of a sale of the property, sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned.

- D. In lieu of the procedures set forth in paragraph C of this Subdivision, abandoned property may be disposed of by a private sale through a nonprofit organization that has a significant mission of community service.
- E. Funds and Claims Thereon. All such cash and cash from the negotiation of such negotiable instruments and all proceeds from such sale by the City shall be paid into the General Fund of the City and expenses thereof paid therefrom. In the event the property is retained by the City for City use, the property shall be used by the City only for public purposes of the City and not for any private use. The former owner, if he makes claim within 8 months from the date of publication of the notice herein provided and upon application and satisfactory proof of ownership, may, in the case of property retained by the City, have the property returned to him or her; or may be paid the amount of cash or negotiables; or, in the case of property sold, may be paid the amount received therefore, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund. In the case of property retained by the City for City use or in the case of property held for sale by the City, the City will not be responsible for any diminution in value of or damage to the property during the period of time in which the property is in the City's custody or control.

### **Subd. 3. Disposal of Excess Property.**

- A. Declaration of Surplus and Authorizing Sale of Property. The City Administrator may, from time to time, recommend to the Council that certain personal property owned by the City is no longer needed for a municipal purpose and should be sold. By action of the Council, said property shall be declared surplus, the value estimated, and the City Administrator authorized to dispose said property in accordance with law, including compliance with any competitive bidding requirements imposed by the Municipal Contracting Law, Minn. Stat. §471.345.
- B. Receipts from Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.

**Subd. 4.       Persons Who May Not Purchase - Exception.**

- A.     Except as permitted by Minn. Stat. § 15.054, no employee of the City or a member of the Council, or an advisor serving the City in a professional capacity may be a purchaser of property under this Section.
- B.     It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the terms of this Section.

**Subd. 5.       Electronic Sale of Surplus Supplies.**

Notwithstanding any other procedural requirements of this Section, the City Council may authorize the City Administrator to contract to sell supplies, materials, and equipment which is surplus, obsolete or unused using an electronic selling process in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

**SECTION 218.01.   EMERGENCY MANAGEMENT.**

**Subd. 1.       Emergency Management Act Adopted.**     The “Minnesota Emergency Management Act of 1996,” Minnesota Statutes, 2008, Chapter 12, as amended herein from time to time insofar as it relates to cities, is hereby adopted by reference as part of this Section, as fully as if set forth explicitly herein.

**Subd. 2.       Establishment of an Emergency Management Agency.**   There is hereby created within the City government an emergency management agency, which shall be under the supervision of a Director to be appointed forthwith by the Council. The Director shall have direct responsibility for the organization, administration and operation of said emergency management agency, subject to the overall direction and control of the Council.

**SECTION 219.01.   REIMBURSEMENT OF CERTAIN EXPENSES.**

**Subd. 1.       Applicable Reviews.**   This Section applies to the following:

- A.     requests for rezoning review and approval;
- B.     requests for planned unit development concept review and approval;
- C.     requests for planned unit development district review and approval;
- D.     requests for conditional use permit review and approval;
- E.     requests for Subdivision review and approval.
- F.     requests for site plan review and approval.
- G.     requests for flood plain permit;
- H.     requests for shore land permit;
- I.     requests for mining or land alterations permit;
- J.     requests for variances from any of the City’s land use regulations and Subdivision regulations;