

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: KBK

Requested: Admin Comte Date: 02/01/2022

Council Presentation on: 02/08/2022

Suspension of Rules: No

ORDINANCE NO. 9179

ORDINANCE ADDING SECTION 10-25
TO THE CODE OF TUSCALOOSA
(A21-1648)

BE IT ORDAINED BY THE TUSCALOOSA CITY COUNCIL that Section 10-25 of the Code of Tuscaloosa presently marked as "Reserved" be, and the same is hereby, amended to read as follows:

"Sec. 10-25. –Disposition of Abandon or Unclaimed Property within Municipal Court Cash Bond or Restitution Accounts.

A) Definitions

As used in this code section, unless the context otherwise requires, the following terms shall have the meanings set out below:

- 1) *Apparent Owner:* A person whose name appears in the records of the Tuscaloosa Municipal Court as the person entitled to the property held. The apparent owner of the property is deemed to be the actual, legal owner of the property for all purposes under this section.
- 2) *Property:* Monetary funds, including cash bonds and restitution, located in an account of the Municipal Court and held by the Municipal Court pending distribution to the apparent owner.
- 3) *Distributable:* Property is deemed to be distributable at the time the Municipal Court can or does issue a check for said property to be returned to the apparent owner.
- 4) *Unclaimed:* Property is unclaimed if the apparent owner has, after the property has become distributable, failed to appear at the Municipal Court to make a claim for the property in person or failed to notify the Municipal Court in writing that the apparent owner is claiming the property.

B) Presumption of Abandonment

Property is presumed to be abandoned if it is unclaimed by the apparent owner within three years after the property has become distributable by the Municipal Court.

C) Notice

The Municipal Court shall publish on a governmental website for three straight weeks and report to City Council all property that it intends to declare abandoned prior to declaring said property to be abandoned. This notice shall include the amount of the property, the check number of said property, the date on which the check was issued, and the date by which the apparent owner must make a claim to recover the property.

D) Distribution of Abandoned Property

If the apparent owner fails to make a claim to recover the property prior to the date prescribed on the notice, the property is deemed to be abandoned. Said claim must be made either in person at the Municipal Court or in writing prior to the date prescribed on the notice. If done in writing, the claim must be received by the Municipal Court prior to the date prescribed on the notice. If the apparent owner fails to make a claim, the apparent owner's right to the abandoned property is deemed to have been forfeited and the abandoned property becomes the property of the City of Tuscaloosa. Abandoned property shall be moved from the Municipal Court account to the custody of the City of Tuscaloosa and be placed in the General Fund.

Secs. 10-26—10-29. —Reserved.”

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced 2-8-22
Passed 2-8-22
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____