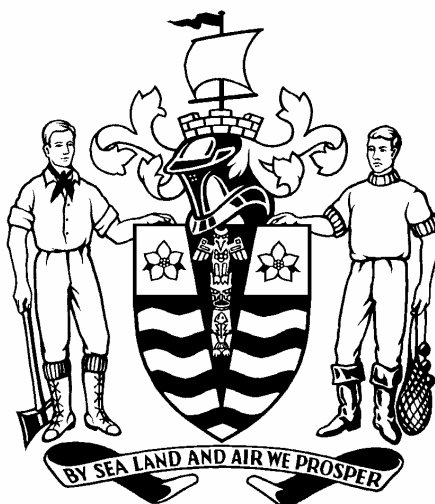


CITY OF VANCOUVER BRITISH COLUMBIA



UNCLAIMED PROPERTY BY-LAW NO. 5078

This By-law is printed under and
by authority of the Council of
the City of Vancouver

(Consolidated for convenience only
to June 22, 1993)

BY-LAW NO. 5078

A By-law to provide for the disposal
of unclaimed property in the possession
of the Police Force

[Consolidated for convenience only,
amended to include By-law No. 7134,
effective June 22, 1993]

The Council of the City of Vancouver in open meeting assembled enacts as follows:

1. This By-law may be cited as the "Unclaimed Property By-law".
2. In this By-law, unless the context otherwise requires:

"Chief Constable" means the member of the Vancouver Municipal Police Force exercising the authority of the Chief Constable or a person designated by the Chief Constable to carry out the powers and responsibilities imposed on the Chief Constable by this by-law;

"Director of Finance" means the employee of the City of Vancouver exercising the authority to the Director of Finance of the City;

"Police Force" means the Vancouver Municipal Police Force existing pursuant to the provisions of the *Police Act*.

(By-law 7026, September 1, 1992)

3. Where a member of the Police Force obtains possession of property the owner of which cannot be ascertained, and no order of a Court has been made with respect thereto, the property shall, except as provided in Section 4 hereof, be retained by the Police Force for a period of at least 6 months.
- 3A. Notwithstanding Section 3 the City may give possession of unclaimed property to any organization deemed by Council to be contributing to culture, health or welfare of the City on such terms and conditions as it considers appropriate.

(By-law 6380, August 9, 1988; By-law No. 7134, June 22, 1993)

4. (a) Where a member of the Police Force obtains possession of a perishable article or property the custody of which involves unreasonable expense or inconvenience, the Police Force may sell the same at any time in such manner and upon such terms as the Chief Constable may direct.
- (b) Where property is sold pursuant to sub-section (a) the proceeds of the sale, if any, shall be paid to the City of Vancouver.

- (c) Where the City receives the proceeds from the sale of property pursuant to sub-section (b) the proceeds shall, unless disposed of to the lawful owner, be retained by the City for the period of one (1) year.
 - (d) Where a member of the Police Force obtains possession of property, the owner of which cannot be ascertained, and the property is, in the opinion of the Chief Constable, of no saleable value, such property may be destroyed or disposed of in such manner as the Chief Constable may direct.
 - 5. Where the Police Force has retained possession of property, to which Section 3 applies, for a period of 6 months, the same may be disposed of by the Police Force at any time in accordance with the following provisions:
 - (a) property to be disposed of shall be offered for sale at public auction and sold to the person bidding the largest amount and complying with the rules and conditions governing the auction;
 - (b) an auction held pursuant to this section shall be held at such time and in such place, as may be designated by the Chief Constable, by a licensed auctioneer appointed in writing by the Chief Constable;
 - (c) general notice of the time and place of such auction shall, where possible, be advertised once during each week, for three (3) successive calendar weeks before the date of the sale, in a daily newspaper published in the City. It shall not be necessary in such advertisement to specifically mention or describe any article or property to be offered for sale.
- (By-law 6380, August 9, 1988)
- 6. Where no bid is received on any property offered for sale at an auction held pursuant to Section 5, such property may be destroyed or disposed of in such manner as the Chief Constable may direct.
 - 7. A record shall be kept by the Chief Constable of the sale, destruction or other disposition of any property effected pursuant to this By-law. The record shall include a brief description of the property sold, where applicable, the date of sale, the purchase price and, where known, the name and address of the purchaser. This section shall not apply to the sale of property where the purchase price does not exceed One Hundred Dollars (\$100.00).
 - 8. The proceeds of the sale of property disposed of in accordance with Section 5 shall be paid to the City of Vancouver.
 - 9.
 - (a) The proceeds of the sale of property disposed of in accordance with Section 5, and the proceeds of the sale of property pursuant to Section 4(b) which have been retained by the City for the period of one (1) year shall, subject to subsection (b), be paid into the general revenue of the City.

- (b) Out of the proceeds of the sale of any item of property received by the City the Direction of Finance shall, upon the recommendation of the Chief Constable, pay to the person by whom the property has been delivered into possession of the Police such sum as the Chief Constable shall advise is reasonable compensation to such person.
- 10. (a) Except as provided in sub-section (6), the provisions of this by-law do not apply to property which has been found by a person, other than a member of the Police Force, and has been given over to the Police Force on the condition or understanding that, if the owner of the property is not determined and located, the property will be returned to the finder. Such property may be returned to the finder at any time.
- (b) Where, with respect to property to which sub-section (a) applies, the finder cannot, after reasonable efforts, be located for the purpose of returning the property, the property may be disposed of as provided in Sections 4, 5 and 6. Possession by the Police Force of such property is deemed to have commenced when the property was first received by the Police Force.

(By-law 7026, September 1, 1992)

This By-law shall come into force and take effect on the date of the final passing hereof.

DONE AND PASSED in open Council this 10th day of May, 1977.

(Sgd.) "J. Volrich"
Mayor

(Sgd.) "D.H. Little"
City Clerk