

Chapter 164
PROPERTY, UNATTENDED

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[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor as derived from Section 53A of the General Code of Ordinances. Amendments noted where applicable.]

§ 164-1. Property not to be left unattended; removal of shopping carts.

- A. It shall be unlawful for any person, his agent or employee to leave, or permit to be left, unattended any cart, shopping cart, wagon box, barrel, bale of merchandise or any other similar movable object, either owned by him or in his possession, custody or control, upon any street, highway, sidewalk, roadway, parking lot or area on private property generally available to the public while conducting business or other commercial transactions in any building located on or adjacent to such property.
- B. It shall be unlawful for any person to remove any shopping cart provided by a retail store from the shopping center (including the parking area) in which the store which provides such shopping cart is located.

§ 164-2. Penalties for offenses. [Amended 5-14-1979 by L.L. No. 1-1979]

Any person violating any of the provisions of this chapter shall be liable for and forfeit and pay a penalty of \$10 for each violation. The amount of the penalty as provided for in this section is in addition to any fees for redemption of impounded property or costs of sale chargeable to an owner or person entitled to possession of impounded property as hereinafter provided.

§ 164-3. Removal.

The village may remove or cause to be removed any property the subject of this chapter found upon any public place and take same or cause same to be taken into the custody of the village and held until disposed of in the manner as hereinafter provided.

§ 164-4. Notice.

Whenever the village shall take and hold under the provisions of this chapter any property containing identification of ownership, a notice shall be sent by ordinary mail to the owner thereof at his last known address advising him such property is held by the village, and of the amount required to redeem it.

§ 164-5. Redemption.

Each article of property the possession of which has been taken by the village under the provisions of this chapter may be redeemed by the owner thereof at any time prior to the sale, dismantling or disposal thereof, upon presentation of proof acceptable to the Village Clerk as to ownership or the right of possession thereof and upon tendering to the Village Clerk at his office during regular business hours, the sum of \$10 in respect of each such article, together with the cost of advertising the sale thereof. Any return of property by the Clerk to a person pursuant hereto, shall be an absolute defense to the village against any other person claiming such property.

§ 164-6. Sale of property.

When any property the subject of this chapter remains in the custody of the village for a period of 15 days, and in respect of which no person has presented to the Village Clerk proof establishing such person's ownership or right to possession thereof as hereinbefore stated, the Village Clerk shall give public notice of at least five days, that at a specified time and place such property shall be sold at public auction. A general description in such notice of the property to be sold shall be sufficient. Said sale shall be conducted by the Clerk or by any other person designated by the Board of Trustees.

§ 164-7. Other disposition.

In the event that property shall remain unsold after public auction, the Village Clerk may otherwise sell, dismantle or dispose of such property. Any such sale or other disposition of such property pursuant to this section shall be without liability on the part of the village to the owner of such property or other person lawfully entitled thereto or having an interest therein.

§ 164-8. Accounting of proceeds from sale.

After property is redeemed, the Village Clerk shall pay over to the Village Treasurer the amount received for redemption, costs and expenses of the articles redeemed, together with an itemized statement thereof. After a sale or other disposition of such property, the Village Clerk shall pay over to the Treasurer the amount received for sale, costs and expense of sale, together with an itemized statement thereof. To cover the cost of removing and storing the property sold, the Treasurer shall credit the General Fund with so much of the proceeds (or to the extent the proceeds received will permit) as equals the costs and expenses of such sale, plus \$5 for each article of property sold. The remainder of the proceeds, if any, realized from such sale shall be deposited by the Village Treasurer in Trust and Agency Account and shall be paid without

interest to the lawful owner thereof when such lawful ownership is established. If no lawful ownership to said funds is established within one year after such deposit, the Board of Trustees may, by resolutions, transfer such funds from the Trust and Agency Account to the General Fund.

§ 164-9. Restrictions. [Amended 7-1-1974]

The provisions of this chapter shall not apply to any property which may come into the possession or custody of the village or Police Department pursuant to any other ordinance, regulation, law or rule of law.