

# **TOWNSVILLE CITY COUNCIL**

## **LOCAL LAW NO. 31**

### **ABANDONED GOODS ON ROADS, ETC.**

1. The Council may cause to be seized and removed any inanimate goods (which term includes materials of any kind) found on any road or in any park or on other land under the control of the Council, apparently abandoned, discarded, lost or of which no owner is known to the Council or of or over which any person claims or appears to the Council to be the owner or to have dominion or control, if such apparent owner or person claiming refuses to remove or neglects to remove such goods within a reasonable time after being so required by the Council or any officer thereof.
2. If before the destruction or disposal as hereinafter mentioned of any goods seized as aforesaid, it is made to appear to the satisfaction of the Council that some person is the owner or otherwise entitled to possession of the goods, the Council may release and deliver up the goods to such person, upon payment of the expense incurred by the Council in and about such seizure and removal and custody of the goods.
3. If any goods so seized and not released appear to the Council or its officer to be of sufficient value to realise, if offered for sale, a price sufficient to meet the cost of seizure, removal, sale and such sale and advertising, the Council may cause the goods to be advertised for sale and sold by public auction, subject, if it deems fit, to a reserve price sufficient to cover the costs aforesaid.
4. If any goods so seized, being offered for sale as aforesaid, fail to realise the reserve price or if they appear to the Council or its officer to be worthless or of so little value as to be unlikely, if offered for sale as aforesaid to realise sufficient to meet the costs of removal, advertising and sale as aforesaid, the goods may, by direction of the Mayor, be destroyed or sold by private contract or otherwise disposed of.
5. The right, title, interest, or claim of any person who may have had any right, title, interest, or claim to or in any goods seized, sold, or destroyed or otherwise disposed of by the Council under or in purported pursuance of this Chapter shall be absolutely extinguished, and the person acquiring such goods sold or disposed of as aforesaid shall acquire the full ownership of such goods.
6. The proceeds of any goods sold as aforesaid shall be applied first in payment of the costs and expenses of the Council in and about or incidental to the seizure, removal, advertising, and sale of the goods and any surplus shall be payable to the person who was entitled to the possession of the goods at the time of seizure, upon such person establishing such entitlement to the satisfaction of the Council: Provided that if no claim thereto is made within two (2) years from the date of sale such surplus shall become the property of the Council and shall be paid into the General Fund.
7. If the costs and expenses of seizure, removal, offering for sale (if so offered), disposal (if so disposed), and destruction (if so destroyed) of any goods seized and removed aforesaid, have not been fully recovered by the Council under this Chapter, the Council may recover

the amount of any deficiency from any person who the Council is able to establish was the owner of or entitled to the goods at the time of seizure, or who was responsible for the goods being in the place where they were found.

8. The provisions of this chapter are without prejudice to and not in derogation of the power of the Commissioner of Police.