

**TEMPLE TERRACE CODE  
CHAPTER 17 – POLICE DEPARTMENT**

**Section 17.170                    LOST OR ABANDONED PROPERTY.**

(a)     *Definitions.*

- (1)     Abandoned property means all tangible personal property which does not have an identifiable owner and which has been disposed on public property in a wrecked, inoperative or partially dismantled condition or which has no apparent intrinsic value to the owner, including but not limited to all permanently parked, wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and other similar articles, which have no value other than nominal salvage value.
- (2)     Enforcement Officer means the Temple Terrace Police Chief and any other officer designated by the Police Chief and any person designated by State law as a law enforcement officer.
- (3)     Lost property means all tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes or in parks, places of amusement, public recreation areas or other places open to the public in a substantially operable, functional condition or which has an apparent intrinsic value to the rightful owner.
- (4)     Public property mean lands and improvements owned by the federal government, the State, Hillsborough County or the City of Temple Terrace including but not limited to buildings, grounds, parks, playgrounds, streets, designated fire lanes, parking areas, sidewalks, parkways, rights-of-way and other similar property.

(b)     *Procedure for removal of lost or abandoned property.*

- (1)     Whenever the enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it can be easily removed, the officer shall take such article into custody and shall make a reasonable attempt to ascertain the rightful owner or lienholder pursuant to the provisions of this Section.
- (2)     Whenever the enforcement officer ascertains that an article of lost or abandoned personal property is present on public property within the limits of the City of Temple Terrace and is of such nature that it cannot be easily removed, he shall cause a notice to be placed on such article in substantially the following form:

**NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:**

This property, to wit (setting forth brief description), is unlawfully upon public property known as (setting for brief description of the location) and must be removed within five (5) days; otherwise, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes. The owner will be liable for all costs of removal, storage and publishing notice.

DATED this: (setting forth the date of posting of notice)

SIGNED: (setting forth name, title, address and telephone number of enforcement officer)

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Such notices shall be not less than eight (8) inches by ten (10) inches and shall be sufficiently weatherproofed to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available, the officer shall mail a copy of the notice to the owner on or before the posting of such notice. If the property is a motor vehicle as defined in Section 320.01(1), Florida Statutes, or a vessel as defined in Section 327.02(27), Florida Statutes, the officer shall contact the Department of Highway Safety and Motor Vehicles or the Department of Natural Resources, respectively, to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in Sections 319.27(2) or (3) or 328.15(1), Florida Statutes. On receipt of this information, the officer shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any.

- (3) If at the end of five (5) days after posting such notice, and mailing such notice if required, the owner or any person interested in the lost or abandoned article or articles described in such notice has not removed the article or articles from public property or shown reasonable cause for failure to do so, the City may retain or dispose of the article or articles of lost or abandoned property in accordance with the provisions of Chapter 705, Florida Statutes.

(c) *Interference with enforcement officer.* Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement officer in the discharge of his duties as provided in this Section upon conviction shall be guilty of a misdemeanor of the second degree punishable as provided in Florida Statutes 775.082 or Florida Statutes 775.083.

(d) *Immunity from prosecution.* Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of the duties imposed by this Section.

(e) *Title to lost or abandoned property.* Title to lost or abandoned property shall be vested in the finder upon the expiration of ninety (90) days from the date of delivery of the property to the City; provided that the notice requirements of this Section have been met, unless the rightful owner or lienholder claims the property within that time.

Employees of any government, whether federal, state, county or municipal, shall be deemed agents of such governmental entity and lost or abandoned property found by them during the course of their official duties shall be turned in to the property person or department designated to receive such property by the governmental entity. Such property shall be subject to the provisions of this Chapter, after which, if unclaimed by the rightful owner, the title to such property shall be vested in the government, federal, state, county or city, and not in the employee.

Employees of public transportation systems shall be deemed agents of such transportation system and lost or abandoned property found on public conveyances, in depots or in garages or parking lots of a transportation system shall be turned in to the proper person or department designated to receive such property by the transportation systems. Such property shall be subject to the provisions of this Section, after which, if unclaimed by the rightful owner, the title to such property shall be vested in the transportation system and not in the employee. (Ord. No. 421, 5-19-81; Ord. No. 677, 1-3-89; Ord. No. 687, 4-4-89)

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