

## Chapter 2.60

### ~~LOST AND STOLEN~~ UNCLAIMED PROPERTY\*

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\* For statutory provisions regarding the disposition of lost or unclaimed property, see Civil Code § 2080, et seq.; for authority for municipalities to regulate the disposition of lost property in the hands of the police, see Civil Code § 2080.4.

CROSS REFERENCE: Purchasing Systems, see Ch. 2.56 CVMC.

#### **2.60.010 Holding period – Minimum term – Exceptions.**

All unclaimed personal property, except animals, bicycles and perishable property, in the possession of the police department or other City department shall be held by the police department or other City department for a period of at least ~~six months~~ 90 days. (Ord. 1067 § 1, 1967; prior code § 2.37).

#### **2.60.020 Holding period – Bicycles and perishable material – Sale permitted when.**

Unclaimed perishable property may be sold at public auction, or transferred in the manner set forth in this chapter for personal property other than perishable property, prior to the expiration of the ~~six-month~~ 90-day period. Bicycles may be sold at public auction in the same manner, or donated to a nonprofit, charitable organization designated by the chief of police, after being held by the police department for a period of at least 90 days. (Ord. 2657 § 1, 1995; Ord. 2098 § 1, 1985; Ord. 1067 § 1, 1967; prior code § 2.38).

#### **2.60.030 Sale – Procedure generally.**

After holding such unclaimed property for the period described herein, the same shall be sold by the chief of police, or his duly authorized representative, at public auction to the highest bidder or, in the case of unclaimed bicycles only, may be donated to a nonprofit, charitable organization designated by the chief of police. Any donation of bicycles shall be made pursuant to department policy for designation of eligible nonprofit, charitable organizations, which shall set forth standards including, but not limited to: that the recipient organization will use the bicycles for donation to youths determined to be “at risk” or of special financial need and that donations of bicycles will not be made to members of the police department or their respective families. Alternatively, pursuant to the provisions of CVMC 2.60.035, said unclaimed property may be transferred to the city. (Ord. 2657 § 2, 1995; Ord. 2098 § 1, 1985; Ord. 1067 § 1, 1967; prior code § 2.39).

#### **2.60.035 Transfer of property to city.**

Upon recommendation of the chief of police or his duly authorized representative, the city purchasing agent may determine that unclaimed property is suitable for use by the city. The provisions of this chapter relating to the holding period and notice shall be complied with prior to the transfer to and acquisition by the city. (Ord. 2098 § 2, 1985).

**2.60.040 Sale – Notice of time and place required.**

Prior to the sale at public auction or transfer, notice of the time and place of such sale and articles to be sold or transferred shall be given by the chief of police, at least five days before the time fixed therefor, by publication once in a newspaper of general circulation published in the city. (Ord. 2098 § 1, 1985; prior code § 2.40).

**2.60.050 Sale – Payment of purchase price – Receipt – Transfer of title.**

At the time of the sale of any unclaimed property, the purchaser shall pay the cash purchase price into the finance department, and the finance department shall issue a validated receipt for such money for the personal property being purchased, and the chief of police or the authorized member of his department shall, upon presentation of such validated receipt, transfer such property to the purchaser. (Prior code § 2.40.1).

**2.60.060 Recovery of property by owner permitted when.**

Any person may claim property in possession of the police department at any time prior to the first publication of notice of sale or transfer by proving, to the satisfaction of the chief of police, ownership of such property and paying the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2098 § 1, 1985; prior code § 2.41).

**2.60.070 Disposition of proceeds of sale – Generally – Manner of selling items.**

All moneys derived from the sale of unclaimed property other than perishable property shall be deposited in the general fund of the city and shall belong to the city. If more than one article is offered for sale at auction, they may be sold individually or collectively, as the chief of police may determine. (Prior code § 2.42).

**2.60.080 Disposition of proceeds of sale – Perishable property procedure.**

All moneys, if any, derived from the sale of unclaimed perishable property shall be held for the owner of such property, providing he shall prove ownership of the perishable property prior to the expiration of the period of ~~six months~~ 90 days from the date of first possession of such property by the chief of police. If no owner claims such property within the ~~six month~~ 90-day period, then the moneys derived from such sale shall be placed in the general fund of the city. (Prior code § 2.43).

**2.60.090 Responsibility for care and preservation – Liability for loss or damage.**

The chief of police or City staff designated by the chief of police shall be responsible for the care and preservation of the unclaimed property hereinbefore referred to, until the same is sold, destroyed, or returned to the lawful owner thereof, but in no event shall the chief of police, designated staff or the city be liable in damages for the loss or damage to such unclaimed property. (Ord. 2147 § 3, 1986; prior code § 2.44).

**2.60.095 Destruction of unclaimed property – Liability for destruction.**

The chief of police or his representative may destroy all unclaimed property after holding the unclaimed property for the period prescribed herein, with no owner appearing and proving ownership of the property within the prescribed period, or the unclaimed property may be destroyed upon the failure of the property to be sold at public auction pursuant to this chapter; but in no event shall the chief of police or the city be liable for damages for the destruction of such unclaimed property. (Ord. 2147 § 2, 1986).

**2.60.100 Identification tag required – Contents.**

Each article of unclaimed property shall be identified with a tag on the same, showing the first date of possession by the chief of police and the circumstances surrounding his acquisition of possession. (Prior code § 2.45).

**2.60.110 Register to be maintained – Contents.**

The chief of police or City staff designated by the chief of police shall maintain a register of all unclaimed property received by the police department. Such register shall describe each item of property; the time, date and place it was received; the name of the person from whom it was received; and the circumstances surrounding its receipt, together with the date and manner of disposition of such property. (Prior code § 2.45.1).

**2.60.120 Chapter not applicable to animals.**

This chapter shall not apply to lost, strayed or unclaimed animals. (Prior code § 2.46).

**2.60.130 Identification markings for certain impounded articles – Purpose and intent.**

It is the purpose and intent of the city council to establish a procedure which authorizes the police department of the city to place identifying numbers upon certain articles which have been impounded during the course of

investigation of theft, where said articles have had the identifying numbers removed or obliterated, thus making the possession of said articles illegal under the provisions of Section 537E of the California Penal Code. Said procedure is also intended for application to any articles which come into the possession of the police department for control or custody by any other process and which may also have had any identifying numbers or markings obliterated therefrom. (Ord. 1193 § 1, 1969; prior code § 2.10.1).

**2.60.140 Identification markings for certain impounded articles – Procedure authorized.**

The chief of police is authorized and directed to assign a distinguishing number or identification mark and affix said number or mark to any ~~item radio, piano, stereo tape deck, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, firearm, safe or vacuum cleaner, dictaphone, watch, watch movement, watch case, or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment~~, from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, so that said article may be properly and legally returned to the possession of the person legitimately entitled to the ownership and possession thereof. (Ord. 1193 § 1, 1969; prior code § 2.10.2).

**2.60.150 Vesting of title to unclaimed property in finder.**

A. Valuation of \$250.00 or More. If the reported value of the property is \$250.00 or more and no owner appears and proves his ownership of the property within 90 days, the police department shall cause notice of the property to be published at least once in a newspaper of general circulation. If after seven days following the first publication of the notice, no owner appears and proves his ownership of the property and the person who found or saved the property pays the cost of the publication, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction. Title to the property shall not vest in the person who found or saved the property or in the successful bidder at the public auction unless the required fee(s) is first paid to the city, county, or city and county whose police department caused the notice to be published.

B. Valuation of Less Than \$250.00. If the reported value of the property is less than \$250.00 and no owner appears and proves his ownership of the property within 90 days, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction.

C. Exception – Bicycle. If the found or saved property is a bicycle, if no owner appears and proves ownership of the bicycle within 90 days, the title shall not vest in the person who found or saved the bicycle. All such unclaimed bicycles shall be sold at public auction or donated for charitable purposes pursuant to this chapter. (Ord. 2657 § 3, 1995; Ord. 2506 § 1, 1992; Ord. 2147 § 1, 1986; Ord. 1766 § 1, 1977).