

# Lost, Stolen, Confiscated or Abandoned Property

## Chapter 12A

### LOST, STOLEN, CONFISCATED OR ABANDONED PROPERTY

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#### SEC. 12A.1    DEFINITIONS

As used in this chapter, the following words have the meanings hereinafter set forth:

(1) "Chief" means the chief of police of the City;

(2) "Custodian" means the chief of police or his successor in office, or his designee, and his successor in office. (Ord. No. 374 N.S., ' 1)

#### SEC. 12A.2    CHIEF DEEMED CUSTODIAN

The chief of police of the City is designated the official custodian of each and every article or object of personal property lost, stolen, confiscated or abandoned within the City, which property is not in the lawful custody of any other person or court. (Ord. No. 374 N.S., ' 2)

#### SEC. 12A.3    PROPERTY HELD AS EVIDENCE

The custodian shall keep in his custody all articles of personal property seized as evidence for use in any pending or prospective trial, unless otherwise ordered by the court, until

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final disposition of any pending charges, including appeals or the lapse of time for filing appeal. Thereafter, unless ordered by the court to the contrary, the custodian shall make disposition of such property in accordance with the provisions of this chapter hereinafter set forth; provided, that in any case where the implementation of the provisions of this chapter relating to evidence would contradict the provisions of California Penal Code Sections 1417 through 1419, or other portions of the state law, the state law shall control. (Ord. No., 374 N.S., '3)

### SEC 12A.4 DISPOSITION GENERALLY

All lost, stolen, confiscated or abandoned property within the City not being held pending disposition of charges pursuant to Section 12A.3 shall be subject to disposition according to the provisions of Sections 12A.4 through 12A.11, unless otherwise provided in this chapter or ordered to the contrary by any court. (Ord. No. 374 N.S., '4)

### SEC. 12A.5 NOTIFICATION TO OWNER

(a) The custodian shall examine any such property, and if the identify of the owner does not appear from such examination, the custodian shall cause to be published in a newspaper of general circulation in the City, a description of each article, at least once, within the prescribed time indicated in Section 12A.6, so the owner has the opportunity to claim the property upon satisfactory proof of identity and ownership of such article.

(b) The custodian shall examine any such property, and if the identity of the owner appears from such examination, or if the identify of the owner is readily available to the custodian from public records available to him or otherwise known to him, the custodian shall notify the apparent owner in writing, mailed by first class United States mail, postage prepaid, to the last known address of such apparent owner, mailed within a reasonable time after identification of the apparent owner, describing the property and stating that the same is held by the custodian and may be sold or otherwise disposed of unless claimed within the appropriate time period as set forth in Section 12A.6, which shall be at least thirty days from the mailing of such notice. (Ord. No. 374 N.S., '5)

### SEC. 12A.6 DISPOSAL OF UNCLAIMED PROPERTY

If any such property remains unclaimed sixty days after the same is no longer required to be held in evidence pursuant to Section 12A.3, or four months after the same has come into the possession of the custodian, or at least thirty days after the mailing of any written notice provided for in Section 12A.5, whichever is the longer time, such property may be disposed of from time to time by the custodian or his designee as hereinafter set forth:

(1) As to any such property which has been found or saved, the title shall vest in the person who found or saved the property, if that person appears at the police department to

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claim such property within thirty days of being mailed written notice by the City of his right to claim such property; provided, that if the property was found in the course of employment by the employee of any public agency, title shall not vest in such person, but shall be treated as unclaimed hereunder and disposed of as provided in subparagraphs (2) and (3) of this section.

(2) Any such property not claimed pursuant to subparagraph 12A.6(1) may be sold at public sale; provided, that the custodian shall cause to be published in a newspaper of general circulation in the City not less than ten days before such sale, a notice setting forth a description of each article to be sold, the time, date and place of sale, and that any person who claims to be the owner of or claims any interest in any article so described may appear at the police department before the time and date set for sale, to reclaim the same upon presentation of satisfactory proof of identity and ownership of such article.

(3) Such property which consists of jewelry, gems, watches, precious metals, or other property having a unique value, or which in the judgment of the chief may bring a higher price if sold on sealed bids, may, in the discretion of the chief, be sold either at public sale as heretofore provided, or to the highest bidder, after solicitation of sealed bids from at least three regular dealers in the particular type of property. No such sale shall be conducted until there shall have been published in a newspaper of general circulation published in the City, a notice setting forth a description of each article to be sold, the time, date and place of bid opening, which shall be at least ten days after the date of publication of such notice, and that any person who claims to be the owner of or claims any interest in any article so described may appear at the police department before the time and date set for opening of such bids, reclaim the same upon presentation of satisfactory proof of identity and ownership. Any person desiring to submit a sealed bid may do so, and such bids shall be opened and the property sold to the highest bidder at the time and place specified in such notice; provided, however, that the right to reject any and all bids shall be reserved, and any and all bids may be rejected if deemed too low, or for any other reason.

(4) The sale of firearms shall be made only to properly licensed dealers; notice requirements and the option of a sealed bid outlined in subparagraph 12A.6(3) apply to the sale of firearms; sealed bids will be accepted from licensed firearms dealers only. (Ord. No. 374 N.S., '6)

### SEC. 12A.7 RECLAIMING PROPERTY

All such property may be reclaimed by the lawful owner, upon proof of identity and ownership satisfactory to the custodian, if claimed before disposition or sale thereof. (Ord. No. 374 N.S., '7)

### SEC. 12A.8 FAILURE TO CLAIM PROPERTY

Failure to make claim of ownership within the time limits prescribed in this chapter, and  
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before sale or disposition of any article shall forever bar the owner or any person claiming ownership by, through or under the owner from making any subsequent claim of ownership. (Ord. No. 374 N.S., '8)

### SEC. 12A.9 READVERTISEMENT

If any property is advertised for sale as in this chapter, but is not sold according to the advertisement, the same may but does not have to be, advertised again for sale according to the provisions of this chapter, and sold accordingly. (Ord. No. 374 N.S., '9)

### SEC.12A.10 DISPOSITION OF PROPERTY ON FAILURE TO SELL

If any property has been advertised for sale, and no sale has taken place, the same may be destroyed, abandoned, donated, kept or used by the City, without further notice, if claim of ownership is not made within the time limit prescribed in such notice; and the owner or any person claiming ownership by, through or under the owner shall thereafter be barred from making any claim of ownership to such property. (Ord. No. 374 N.S., '10)

### SEC. 12A.11 PROCEEDS OF SALE

All proceeds of sale shall be paid to the city finance director, who shall deposit the same in the general fund of the City. (Ord. No. 374 N.S., '11)

### SEC. 12A.12 EXCEPTIONS GENERALLY

Notwithstanding the foregoing provisions, property which is intentionally abandoned by its owner may be disposed of as provided in Section 12A.10 without compliance with the other provisions of this chapter, and any property which is perishable or otherwise comes within the provision of Section 2080.5 of the California Civil Code may be handled in the manner provided therein without otherwise complying with this chapter. (Ord. No. 374 N.S., '12)

### SEC. 12A.13 FIREARMS

Unless ordered to the contrary by a court of competent jurisdiction, or otherwise required by state or national law, firearms which may not lawfully be returned to the owner thereof, or which are unclaimed after notice to the owner pursuant to this chapter, or the owner of which is not known may be kept and retained by the police department for use in its training programs or otherwise. If thereafter declared surplus by the police department, disposition of such firearms may be made as otherwise provided in this chapter. (Ord. No. 374 N.S., '13)

### SEC. 12A.14 DESTRUCTION OF CERTAIN PROPERTY

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If the property consists of burglar tools of any description; or of worn, otherwise defective, dangerous or unlawful firearms; or cartridges; or explosives, or armored or bulletproof clothing; or other dangerous weapons; or gambling apparatus; or instruments, articles or medicines for the purpose of procuring abortion or preventing conception; beer; wine; spirituous liquors or fermented malt beverages; or solid, bloody or unsanitary clothing; or solids or liquids of unknown or uncertain composition; or drugs; or hypodermic syringes and needles; obscene pictures, prints, effigies, statues; or any poisonous, noxious, or deleterious solids or liquids; or any other property which in the opinion of the chief might result in injury to the health or safety of the public, or be subject to unlawful use, the chief may destroy each and every article of any such nature. (Ord. No. 374 N.S., ' 14)

### SEC. 12A.15 DISPOSAL OF CERTAIN PROPERTY TO DIFFER

Motor vehicles, lost or stray animals, and other property which is required to be disposed of otherwise than as provided in this chapter, by the terms of any law or ordinance shall not be disposed of according to the terms of this chapter. (Ord. No. 374 N.S., ' 15)