

ORDINANCE NO. 2636

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER 2.60
OF THE REDLANDS MUNICIPAL CODE RELATING TO UNCLAIMED
PROPERTY

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.60 of the Redlands Municipal Code relating to Unclaimed Property is hereby deleted in its entirety and amended to read as follows:

"Chapter 2.60
UNCLAIMED PROPERTY

Sections:

2.60.010	Custodian Designated
2.60.020	Return to legal owner -- Exception
2.60.030	Return of found property.
2.60.040	Disposition of property.
2.60.050	Public auction.
2.60.060	Destruction.

2.60.010 Custodian Designated.

A. If the owner of the property is unknown or has not claimed the property, the person saving or finding the property shall, if the property is of the value of one hundred (\$100) dollars or more, within a reasonable time turn the property over to the Redlands Police Department if found in the City, and execute an affidavit, stating when and where he or she found or saved the property, particularly describing it. If the property was saved, the affidavit shall state: (1) from what and how it was saved, (2) whether the owner of the property is known to the affiant, and (3) the affiant has not secreted, withheld or disposed of any part of the property.

B. The City's Chief of Police shall be the custodian of all property seized, recovered and found, stored or otherwise coming into the custody of the City's police department as a result of police officers and employees carrying out their official duties, and as a result of found property which is given to the care and custody of the City's police department by citizens. The Chief of Police or his or her designee shall notify the owner, if the owner's identity is reasonably ascertainable, that the City's police department possesses the property and where it may be claimed. The police department may require payment by the owner of a reasonable charge to defray costs of storage and care of the property.

2.60.020 Return to legal owner - Exception. If the owner appears within ninety (90) days, after receipt of the property of value of one hundred (\$100) dollars or more by the City's police department, and proves his or her ownership of the property, and pays all reasonable charges, the

City's police department shall return the property to the owner. Property which is evidence in a criminal trial shall be disposed of as the court directs. Property which is contraband, or the return of which is otherwise prohibited by statute, or the return of which may encumber the City with civil liability by its return, shall be disposed of by court order or authorized by statute or ordinance.

2.60.030 Return of found property.

A. If the reported value of the property is two hundred and fifty dollars (\$250), or more, and no person appears and proves his or her ownership of the property within ninety (90) days, the police department shall cause notice of the found property to be published at least once in a newspaper of general circulation. If, after seven (7) days following the first publication of the notice, no owner appears and proves his or her ownership of the property and the person who found or saved the property pays the cost of publication of the notice, the title to the property 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 cost of publication is first paid to the city, whose police department caused the notice to be published.

B. If the reported value of the property is less than two hundred and fifty dollars (\$250), and no owner appears and proves his or her ownership of the property within ninety (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. This Chapter is enacted pursuant to California Civil Code section 2080.4 in that the unclaimed property shall be (1) held by the police department for at least three (3) months, and (2) that thereafter such property shall be sold at public auction to the highest bidder, with notice of such sale being given by the City's Chief of Police at least five (5) days before the time fixed thereof by publication once in a newspaper of general circulation published in the county, or that thereafter such property shall be transferred to a local government purchasing and storage agency for sale to the public at public auction. Such property shall not be redeemable by the owner or the other person entitled to the possession. If the City determines that such property transferred to it for sales is needed for a public use, such property may be retained by the agency and need not be sold.

2.60.040 Disposition of property.

A. The City's police department may sell such property by public auction, in the manner and upon the notice of sale of personal property under execution, if it is a thing that is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or, being found, refuses upon demand to pay the lawful charges as provided by law in the following cases: (1) when the thing is in danger of perishing, or of losing the greater value or part of its value, or (2) when the lawful charges provided by law amount to two-thirds of its value.

B. Pursuant to California Welfare and Institutions Code section 217, any personal property with a value less than five hundred dollars (\$500) in the possession of the City's police department which has been unclaimed for at least ninety (90) days may, instead of being sold at public auction to the highest bidder pursuant to the provisions of Civil Code section 2080.5, be donated to the County Probation or Welfare Departments, or to any charitable or non-profit organization that is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency and which is exempt from income taxation under federal or state law, or both, for use in any program or activity designed to prevent juvenile delinquency.

C. Before any property subject to this section is donated to the County Probation or Welfare Departments, or to any charitable or non-profit organization, the City's police department shall notify the owner of the property, if his or her identity is known or can be reasonably ascertained, that the City possesses the property, and where the property may be claimed. The owner may be notified by mail, telephone, or by means of a notice published in a newspaper of general circulation which it determines is most likely to give notice to the owner of the property. If after notice and for a period of not less than ninety (90) days, the property is not claimed by the owner, the property may be disposed of as provided in this Chapter.

D. Currency and coin, except mounted coin collections, shall be given into the custody of the City's Treasurer in exchange for a receipt therefore. Mounted coin collections remaining unclaimed shall be disposed of by sealed bid at public auction, which bid shall exceed the current actual face value of the coins contained in the collection.

E. Such unclaimed property, as provided by law and this Chapter, that may be retained and, if in the opinion of the City's Chief of Police, would assist the City's Police Department in carrying out its mission, may be retained and any such retained property shall be included in the assets of the City and entered into the inventory of the police department.

2.60.050 Public Auction. A public auction of unclaimed property shall be performed as the City's Treasurer directs. Notice of the auction shall be given to the general public not less than five (5) days prior to the time fixed therefor by publication once in a newspaper of general circulation within the City.

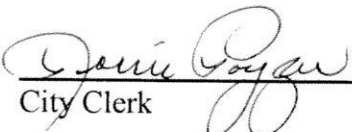
2.60.060 Destruction. Disposal by destruction of property which is contraband, or for which destruction is authorized or directed by statute or ordinance, shall be accomplished by rendering such property totally useless and inaccessible to reuse."

Section 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.



Mayor of the City of Redlands

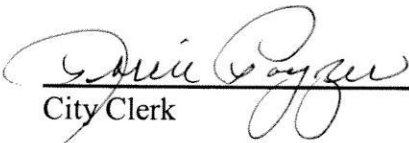
Attest:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 7th day of March, 2006 by the following vote:

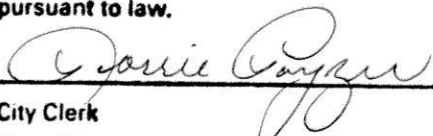
AYES: Councilmembers Gilbreath, Gil, Gallagher; Mayor Harrison
NOES: None
ABSTAIN: None
ABSENT: Councilmember Peppler



City Clerk

CERTIFICATION

I, Lorrie Poyzer, City Clerk of the City of Redlands, California, do hereby certify that this is a true and correct copy of Ordinance No. 2636 which has been published in the local newspaper pursuant to law.



City Clerk
City of Redlands, California