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DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

July 2, 1993

PH 916-264-5121

Law and Legislation Committee
Sacramento City Council
Sacramento, CA 95814

Honorable Members in Session:

SUBJECT: An Ordinance amending Sections 12.06.140 through 12.06.143 of the Sacramento City Code relating to Lost and Unclaimed Property

LOCATION AND COUNCIL DISTRICT: City

RECOMMENDATION: Adopt Ordinance

CONTACT PERSON: Claudia R. Evans, Administrative Services Officer, 265-7346

FOR COMMITTEE MEETING OF: July 20, 1993

SUMMARY

Chapter 4 of the California Civil Code, Lost and Unclaimed Property, was amended effective January 1, 1993, making the requirements less stringent than our City Code Sections 12.06.140 - 12.06.143 dealing with the same issues. By amending the City Codes to conform to the California Civil Code, the police department will save approximately \$1,250 a year in advertising costs. In addition, the changes will provide relief to our storage situation, especially bicycle storage, as the retention period is shorter.

COMMITTEE/COMMISSION ACTION: None

Law and Legislation Committee

**Re: An Ordinance amending Sections 12.06.140
through 12.06.143 of the Sacramento City
Code relating to Lost and Unclaimed Property**

July 2, 1993

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BACKGROUND INFORMATION

Chapter 4 of the California Civil Code, Lost and Unclaimed Property, was amended effective January 1, 1993, making the requirements less stringent than our City Code Sections 12.06.140 - 12.06.143 dealing with the same issues. Specifically, the Civil Code will allow the following changes to our found property procedure:

- Finders of lost property will be required to turn into the police department only property valued at \$100 or more. City Code 12.06.140 currently requires property valued at \$25 or more to be turned in.
- Owners must appear within three months to claim their property. In its present form, City Code Section 12.06.141 allows the owner to claim their property within one hundred twenty (120) days.
- A notice must be published in a newspaper of general circulation if no owner appears and proves ownership, only when the property is valued at \$250 or more. City Code Section 12.06.142 currently does not put a limit on the value of the property, thereby requiring a notice on all property valued at \$25 or more.

By conforming the City Code to the California Civil Code, the Police Department will save approximately \$1,250 a year in advertising costs. In addition, the changes will provide relief to our storage situation, especially bicycle storage, as the retention period is shorter.

FINANCIAL CONSIDERATIONS

There will be a savings of approximately \$1,250 a year in advertising costs if the amendments to the ordinance are approved.

POLICY CONSIDERATIONS

The amendment of these code sections raises the following policy considerations:

Should the City's policies and procedures for the acceptance, storage, and disposal of lost or unclaimed property be more stringent than that of the State of California.

Law and Legislation Committee

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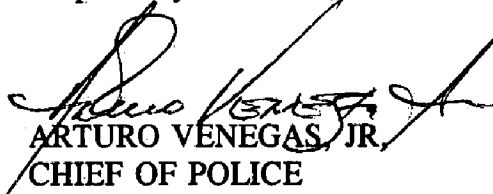
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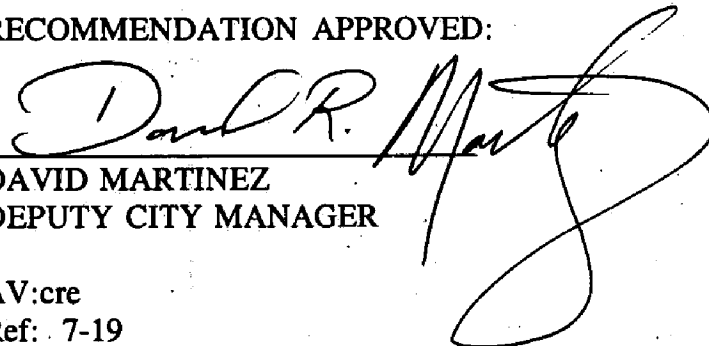
MBE/WBE

Passage of this ordinance will not have any effect on the City's MBE/WBE efforts.

Respectfully submitted,


ARTURO VENEGAS, JR.
CHIEF OF POLICE

RECOMMENDATION APPROVED:


DAVID MARTINEZ
DEPUTY CITY MANAGER

AV:cre
Ref: 7-19

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 12.06.140 THROUGH 12.06.143 OF THE SACRAMENTO CITY CODE, RELATING TO LOST AND UNCLAIMED PROPERTY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 12.06.140 is hereby amended to read as follows:

§ 12.06.140 Responsibility of finder of lost property; ~~affidavit.~~

Any person who shall save or find any personal property, the ownership of which is unknown to such person, ~~and the value of which is in excess of twenty five dollars shall~~, within a reasonable time after saving or finding such property, turn the property over to the police department of the city in compliance with Section 2080.1 of the California Civil Code.

~~At the time of surrendering the property to the police department, such person shall make an affidavit containing the following information:~~

- ~~A. A statement as to when and where the property was found;~~
- ~~B. A description of the property;~~
- ~~C. A statement as to whether or not the owner of the property is known to the affiant; and~~
- ~~D. A statement as to whether or not the affiant has secreted, withheld, or disposed of any part of the property.~~

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 2.

12.06.141 is hereby amended to read as follows:

12.06.141 Restoration of property to owner Responsibility of police department.

~~The police department shall notify the owner, if his identity is reasonably ascertainable, that it possesses the property and that it may be claimed at the location and time described in such notice. The police department may require a payment by the owner of a reasonable charge for costs of storage and care of the property.~~

~~If the owner of the property appears within one hundred and twenty days after receipt of the property by the police department, proves ownership of the property, and pays all reasonable charges for storage and care thereof, the police department shall restore the property to him: comply with Sections 2080 through 2080.9 of the California Civil Code in the restoration of found property to the owner or finder.~~

SECTION 3.

Section 12.06.142 is hereby repealed.

~~12.06.142 Notice; vesting of title in finder.~~

~~If the owner of the property fails to appear and claim such property within one hundred and twenty days, whether or not such person has been notified as provided in Section 12.06.141, the police department shall cause notice of its custody of the property to be published at least once in the official newspaper of the city, setting forth a reasonable description of the property and providing that it may be identified and claimed by the owner.~~

~~If, after seven days following such publication, no owner appears and proves his ownership of the property, the title to such property shall vest in the person who found or saved the property; if such person first pays for the cost of publication of the notice hereinbefore mentioned, unless the property was found by an employee of the city in the course of his employment, in which case the property shall be given to the purchasing department of the city for disposal as hereinafter provided.~~

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

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SECTION 4.

Section 12.06.143 is hereby amended to read as follows:

§ 12.06.143 Disposition of property unclaimed by owner or finder.

If, after the expiration of ~~those time periods specified in Section 12.06.141~~ ~~the three month time period specified in Section 2080.4 of the California Civil Code~~ and after notice is published as ~~therein~~ required by Section 2080.3 of the California Civil Code, the owner fails to redeem the property as hereinbefore set forth, or if the finder of such property fails to pay the cost of publication of the notice concerning such property, or otherwise fails to claim the property, the chief of police shall cause such property to be transferred to the purchasing department of the city; provided, however, that if the property shall consist of lost and unclaimed bicycles or toys, the chief of police may cause such property to be donated to non-profit, tax-exempt charitable organizations which agree, in writing, to donate such property in turn to needy children of the City of Sacramento; and provided further, that if the property shall consist of money, it shall be deposited in the city treasury for disposition as provided by law.

Thereafter, the purchasing department shall dispose of such property in the same manner as it shall dispose of all surplus property of the city, as provided in Section 12.06.131 through 12.06.133 of this chapter.

Upon the transfer of such property to the purchasing department, the owner of such property, or the finder thereof, shall not thereafter be entitled to redeem such property:

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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§ 12.06.140 Responsibility of finder of lost property.

Any person who shall save or find any personal property, the ownership of which is unknown to such person, shall, within a reasonable time after saving or finding such property, turn the property over to the police department of the city in compliance with Section 2080.1 of the California Civil Code.

SECTION 2.

12.06.141 is hereby amended to read as follows:

12.06.141 Responsibility of police department.

The police department shall comply with Sections 2080 through 2080.9 of the California Civil Code in the restoration of found property to the owner or finder.

SECTION 3.

Section 12.06.142 is hereby repealed.

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