

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 10,
AND ADDING CHAPTER 10-22 TO THE SANTA ROSA CITY CODE REGARDING THE
DISPOSITION OF UNCLAIMED LOST PROPERTY

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 10-22 is added to the Santa Rosa City Code to read as follows:

“Chapter 10-22

LOST PROPERTY

10-22.010 Title.

A. This chapter shall be known as the Lost Property Ordinance.

10-22.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "City" means the City of Santa Rosa and any department, agency, bureau, and/or subordinate division thereof.
- B. “City Council” means the City Council of the City of Santa Rosa.
- C. “Chief of Police” means the Chief of Police of the Santa Rosa Police Department, or their designee.
- D. “Police Department” means the Santa Rosa Police Department and any division, section, bureau, employee, volunteer and/or contractor thereof.

10-22.030 Legislative authority.

The ordinance in this chapter is adopted pursuant to authority granted in Section 2080.4 of The Civil Code of the State of California.

10-22.040 Delivery of unclaimed property to Police Department.

Any unclaimed property found, recovered, delivered, or otherwise coming into possession of an officer, employee, or agent of the City during the course of their employment, that is believed to be valued in excess of \$250.00, shall be delivered to the Police Department. Any unclaimed property believed to be valued at less than \$250.00 shall be retained by the Police Department that found it for a period of 90 days.

A. The Chief of Police shall make provisions for receiving and safekeeping property and money found and delivered to them or coming into their possession. A police property

report shall be made by the officer receiving such property, and a receipt shall be issued to the person delivering such property upon request.

- B. Property received as provided by section 10-22 shall be stored in a safe location for a period of 90 days unless sooner claimed by the true owner and shall then be deemed to be unclaimed property or unclaimed money and be subject to the disposition as provided in this chapter.

10-22.050 Restitution of unclaimed property to true owner.

During the 90 days period specified by section 10-22.040, any property subject to the provisions of this chapter may be delivered to the true owner. The Chief of Police shall, upon satisfactory proof of ownership and upon payment to the Chief of Police of all reasonable costs of safekeeping thereof and execution of a found property release receipt, return the property to the true owner. Charges for the safekeeping of the property not exceeding ten percent of the value of the property may be charged for its safekeeping. Where any such property is introduced as evidence in a criminal case, the Chief of Police shall delay the restoration of such property to its legal owner until the conclusion of such proceeding. If the true owner is a person prohibited by law from possessing such property, restitution shall not be made.

10-22.060 Delivery to finder.

If the true owner does not appear during the 90 day period and claim the property or money, it may be delivered back to the person who delivered it to the Chief of Police if at the time of delivery such person indicated in writing that they wished to assert a claim to the property or money as a finder provided that the property or money was found by a person other than in the course of employment as an employee of any public agency. Charges may be imposed as provided in section 10-22.050.

10-22.070 Disposition of unclaimed property.

At any time after the expiration of the 90 days provided for by Section 10-22.040 the unclaimed property shall be disposed of by public auction or appropriation to the use of the City not less than five days after a notice describing the articles to be disposed of that announces the date, time, and place of the auction is published once in a newspaper of general circulation within the City. The notice shall be signed by the Chief of Police. The proceeds of the public auction shall be paid into the City's general fund. The expenses of the sale shall be a proper charge against the budget of the City.

- A. All money or cash equivalents received by the Chief of Police and not delivered to the true owner during the 90-day period or to the finder shall within thirty (30) days thereafter be deposited in the general fund of the City.
- B. This chapter does not apply to property held by the Chief of Police as evidence.
- C. At any time after the expiration of the 90 days provided for by Section 10-22.040, the unclaimed property shall be disposed of by public auction or appropriation to the use of

the City not less than five days after a notice describing the articles to be disposed of that announces the date, time, and place of the auction is published once in a newspaper of general circulation within the City. The notice shall be signed by the Chief of Police. The proceeds of the public auction shall be paid into the City general fund. The expenses of the sale shall be a proper charge against City's general fund.

- D. All guns or firearms which are not required or authorized to be destroyed by federal or state laws shall be destroyed in the manner specified in the Dangerous Weapons Control Law of the State of California.
- E. If any property requested by any department in the City is not subject to destruction under applicable federal, state, or City laws, the property shall be turned over to the City Manager, who shall sign a receipt therefor, for distribution to the department making the request.
- F. Disposition of property remaining unsold any unclaimed property subject to sale under this chapter which remains unsold after public auction shall be destroyed or disposed of by the Chief of Police as they may deem in the public interest.
- G. Any property coming into the possession of the Chief of Police which they determine to be dangerous in itself, perishable, or contrary to public policy to retain or sell shall not be subject to sale under this chapter and shall be disposed of in such a manner as the law shall direct or the Chief of Police may deem in the public interest.”

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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Section 4. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on November 1, 2022.

IN COUNCIL DULY PASSED AND ADOPTED this _____ day of _____, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney