

ORDINANCE NO. ORD-2022-016

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. “City Department” means any department of the City of Santa Rosa.
- D. “Chief of Police” means the Chief of Police of the Santa Rosa Police Department, or their designee.
- E. “Police Department” means the Santa Rosa Police Department and any division, section, bureau, employee, volunteer and/or contractor thereof.
- F. “Property” means money, goods, things in action, or other personal property.

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.

10-22.035 Property held in evidence.

This chapter does not apply to Property held by the Chief of Police as evidence.

10-22.040 Delivery of unclaimed Property to Police Department.

- A. Property valued at or in excess of \$250. 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 at or in excess of \$250.00, shall be delivered to the Police Department.
- B. Property valued at less than \$250. 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 at less than \$250.00 shall be delivered to the Director of the City Department of that officer, employee or agent. The City Department shall retain the Property for a period of 90 days, and if not claimed by the true owner within that period, the Director of the City Department shall dispose of the Property as the Director deems appropriate.
- C. The Chief of Police shall make provisions for receiving and safekeeping Property found and delivered to the Police Department or coming into its 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.
- D. Property received as provided by this section 10-22.040 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 and be subject to the disposition as provided in this chapter.

10-22.050 Return 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 shall not exceed ten percent of the value of the Property. Where any such Property is introduced as evidence in a criminal case, the Chief of Police shall delay the return 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, return 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, 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 as a finder provided that the Property 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 delivered to the finder in accordance with Section 10-22.050 or disposed of by public auction or appropriated to the use of the City in accordance with this Section 10-22-070. Such public auction or appropriation shall take place not sooner than five days after a notice describing the Property 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. All guns or firearms which are 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.
- C. If any Property requested by any City Department 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 City Department making the request.
- D. Any unclaimed Property subject to sale under this chapter that remains unsold after public auction shall be destroyed or disposed of by the Chief of Police as they may deem in the public interest.
- E. 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.

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 29th day of November, 2022.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney