

Chapter 2.60

UNCLAIMED PROPERTY

2.60.010 Purpose. It is the purpose of this Chapter to provide procedures for the care, retention and disposition of unclaimed property in the possession of the City. (CC § 2080.6) (Ord. 89-44)

2.60.020 Definitions

A. "Unclaimed property" includes personal property unattended to, lost or abandoned by its owner and taken into possession by City personnel in the course of the performance of their duties.

B. "Unclaimed property" includes personal property turned in to the City by a person who has found the personal property.

C. "Unclaimed property" does not include animals which shall be turned over to the Animal Control authorities of the City.

D. "Unclaimed property" does not include evidence or contraband taken into possession by the law enforcement officials of the City.

E. "Unclaimed property" does not include property worth less than \$10.00 which may be disposed of forthwith. (CC § 2080.1 (a))

F. "Unclaimed property" does not include property that has been intentionally abandoned by its owner which may be disposed of forthwith. (CC § 2080.7)

G. "Unclaimed property" does not include vehicles abandoned on public property.

2.60.030 Care and Storage. Unclaimed property taken into possession by the City shall be delivered to the City Manager or his/her designee which shall administer its care, retention and disposition.

2.60.040 Retention.

A. Except as otherwise provided, unclaimed property shall be retained for a period of 90 days and then disposed of in accordance with the provisions of this Chapter (CC § 2080.6)

B. Unclaimed property is not subject to the 90-day retention period and may be disposed of forthwith in accordance with the provisions of this Chapter: when the unclaimed property is in danger of perishing or of losing the greater part of its value; when the lawful storage charges for the unclaimed property amount to two-thirds of the value of the unclaimed property; or when the owner of the unclaimed property has been identified and thereafter refuses to take possession of the property or to pay the storage charges thereon. (CC § 2080.5)

2.60.050 Disposition of Unclaimed PropertyA. Restoration to Owner

1. If the owner of the unclaimed property is known to, or becomes known to, the City, the City shall inform the owner that the unclaimed property has been taken into possession. (CC § 2080)
2. If, prior to the disposition of the unclaimed property, the owner of the property appears and proves ownership, the City shall restore the property to him upon the reimbursement by the owner of the costs incurred by the City. (CC § 2080.2)

B. Transfer to Finder. At least five days after the publication of notice of the disposition auction and prior to the conduct of such auction, the finder of the unclaimed property, other than a City employee, may claim possession of the unclaimed property. Upon the payment of a charge to reimburse the City for all of the costs incurred, the City shall transfer possession of the unclaimed property to the finder. (CC § 2080.3)

C. Use by City. After the required retention period, if the City Manager or his or her designee determines that the unclaimed property is needed for public use by the City, the City Manager or his/her designee shall retain the unclaimed property for use by the City. (Ord. 2003-04).

D. Quick Sale. When unclaimed property is not subject to the 90-day retention period, the City Manager or his/her designee may sell such property by public auction in the same manner as in the sale of personal property under execution. (CC § 2080.5)

E. Auction. After the required retention period, the City Manager or his/her designee shall cause to be published once in a newspaper of general circulation within San Diego County a notice of auction at least five days prior to the time fixed for the auction. Unclaimed property shall be sold to the highest bidder and the proceeds shall be deposited into the City's general funds. The unclaimed property may be transferred to the County of San Diego to conduct the auction in accordance with the provisions of the Civil Code (§ 2080.6(a))

F. Destruction. Unclaimed property which is not sold at auction or otherwise disposed of in accordance with this Chapter, shall be destroyed.

2.60.060 City Personnel Prohibited. No City officer, employee, or appointed person including officers, employees, working under contract to the City, shall purchase unclaimed property sold in accordance with this Chapter.