

ORDINANCE NO. 3431 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY AMENDING CITY CODE SECTIONS 27-4, 27-5, 27-6, 27-7 AND 27-9 TO CONFORM WITH STATE LAW RELATED TO THE DISPOSING OF FOUND PROPERTY STORED BY THE POLICE DEPARTMENT

THE CITY OF MONTEREY DOES ORDAIN AS FOLLOWS:

SECTION 1: Monterey City Code, section 27-4 is hereby amended to read as follows:
Sec. 27-4. Applicability of Article

This Article is enacted in order to comply with California Civil Code section 2080.4. The provisions of this Article shall not apply to: (1) property subject to confiscation under the laws of the state or of the United States of America; (2) intentionally abandoned personal property; (3) property held as evidence; (4) animals; or (5) abandoned vehicles.

SECTION 2: Monterey City Code, section 27-5 is hereby amended to read as follows:
Sec. 27-5. Storage by Police Department; Redemption by Owner

All unclaimed personal property in the possession of the Police Department shall be stored in a safe place by the Police Department for at least three (3) months. Such property shall be restored to its legal owner upon proof of such ownership satisfactory to the Police Chief and upon the payment of all reasonably necessary costs to store and care for the property. Refusal to pay such costs shall constitute a waiver of any claim to ownership.

SECTION 3: Monterey City Code, section 27-6 is hereby amended to read as follows:
Sec. 27-6. Disposition of Unclaimed Property

After the expiration of the three month period referred to in Section 27-5 herein, the property shall not be redeemable by the owner or other person entitled to possession. The Police Department shall determine whether the property shall be sold at public auction or transferred to the City's Purchasing Agent. If the Police Department decides to transfer the property to the Purchasing Agent, and also determines that the property is needed for public use, it shall notify the Purchasing Agent to this effect. If the Purchasing Agent concurs that the property is needed for such use, the City may retain the property for public use. If the City does not retain the property for public use, it shall be disposed of as set forth in Section 27-7.

SECTION 4: Monterey City Code, section 27-7 is hereby amended to read as follows:
Sec. 27-7. Sale by Police Department

Unclaimed property not retained by the City for public use shall be sold to the highest bidder at public auction held not less than five (5) days after the notice of such sale being given by the Chief of Police by publication once in a newspaper of general circulation published in the county. If the property is not sold at the auction, it may thereafter be destroyed or otherwise disposed by the City as surplus property under Section 28-50.

SECTION 5: Monterey City Code, section 27-9 is hereby added to read as follows:
Sec. 27-9. Hazardous Property

Any property which comes into the possession of the Police Department and which, in the judgment of the person in charge of the property control section of the Police Department, is dangerous to person or property and cannot reasonably be safely stored by the Police Department shall be destroyed or rendered safe by the Police Department.

SECTION 6: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 19th day of May 2009, by the following vote:

AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

APPROVED:


Mayor of said City

ATTEST:

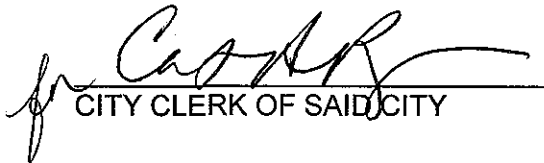

City Clerk thereof

STATE OF CALIFORNIA
COUNTY OF MONTEREY
CITY OF MONTEREY

I, Bonnie L. Gawf, CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 5th DAY OF May, 2009 BY THE FOLLOWING VOTE:

AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT	0	COUNCILMEMBERS:	None

PUBLICATION: May 9, 2009


CITY CLERK OF SAID CITY