

ORDINANCE NO. 2008

AN ORDINANCE CONCERNING LOST, STOLEN, CONFISCATED OR ABANDONED PERSON PROPERTY HELD BY THE POLICE DEPARTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Section 22-6 of the Code of Ordinances of the City of Grand Junction is repealed and reenacted to read as follows:

Sec. 22-6. Property; lost, stolen, confiscated or abandoned.

A. Custodian: The Chief of Police of the City is designated as the official custodian of each and every lost, stolen, confiscated or abandoned article or object of personal property, not in the lawful custody of the court or any other person, which has been acquired or delivered to the Department, or any of its members, for care, control and custody.

B. Records required: It shall be the duty of the Chief of Police or his designee to keep a record of all such property coming into the care, control and custody of the police department showing: The date and description of the property received; which property has been reclaimed by its owner including the date and to whom delivered; the date and name of any person who has made a finders claim and date of release to same; and, the date and how any remaining property was disposed of.

C. Reclaiming property: With exceptions, any lost, stolen, confiscated or abandoned property may be reclaimed by the lawful owner upon proof of ownership and identity satisfactory to the Chief of Police, or his designee, and she/he is hereby authorized to deliver the property to said owner when the owner gives a proper receipt therefor, if claimed before such property is disposed of as herein provided.

D. Failure to claim property: Failure to make a claim of ownership within the time limits prescribed in this Section and before the sale or other disposition provided herein of any article shall forever bar the owner or any person claiming ownership by, through or under the owner from making any subsequent claims of ownership.

E. Exceptions: Notwithstanding any other provisions of this Section certain objects and articles of property as described herein may be kept, held or disposed of as hereinafter provided:

(1) Nothing in the Section shall be construed as amending any existing ordinances concerning the impoundment and disposition of livestock, dogs, poultry or other animals.

(2) Unless ordered to the contrary by a court or otherwise required by State or National law, firearms or other weapons which may not lawfully be kept possessed or retained by the owner or person otherwise entitled to the possession thereof, or which are

unclaimed after notice to the owner, or the owner of which is not known, may be kept and used by the police department in its training program or otherwise, or may be donated to museums or historical societies as the Chief of Police may order for purposes of historical preservation. If the firearms or weapons are declared surplus by the Chief of Police, disposition of such firearms or weapons may be made as otherwise provided in this Section.

(3) If the property consists of burglar tools of any description; unlawful firearms, cartridges, explosives, armored or bulletproof clothing, or other dangerous weapons; gambling apparatus or instruments; articles or medicines for the purpose of inducing an abortion; beer, wine, spirituous liquor or fermented malt beverages; soiled bloody or unsanitary clothing; solids or liquids or unknown or uncertain composition; drugs, narcotics, hallucinogenic substances, hypodermic syringes and needles, or other drug paraphernalia; any poisonous noxious or deleterious solids or liquors; or, any other property which reasonably might result in injury to the health and safety of the public or be subject to unlawful use, the Chief of Police or his designee may destroy any such article.

F. Rights of finder: Notwithstanding any other provision of this Section, when ever any item of lost or abandoned property has been found and delivered to the Chief of Police or one of his subordinates for care, control and custody, such item shall be returned to the original finder whenever a claim has been made by the finder and the following conditions have been met:

(1) The claimant is the person who originally found the lost or abandoned property and he or she is not a police officer.

(2) The claimant, after surrendering the property has filed a written notice of his intentions to make a claim on the property within sixty (60) days of the surrender of the item.

(3) The lost or abandoned property has remained unclaimed by the owner or person having a right to said property for sixty (60) days after the surrender of the property to the Chief of Police.

(4) The lost or abandoned property is not stolen or confiscated property, nor is it property held under the exceptions outlined in sub-section "E", nor property held as evidence pursuant to sub-section "G-2".

(5) The claimant must appear at the police department sixty (60) days after surrendering any lost or abandoned property and prior to the expiration of ninety (90) days to request the return of said property. Failure to appear within the above time frame shall forever bar any finders claim to said property.

G. Disposition generally: All lost, stolen, confiscated or abandoned property, with exceptions, which has not been claimed by

the rightful owner thereof within sixty (60) days after such property is no longer required to be held as evidence or within sixty (60) days after such property came into the custody of the Chief of Police or within thirty (30) days after the mailing of a letter of notice, whichever, is the longer time, shall be disposed of by returning such property to the original finder if a claim has been filed; retaining and using such property in the City's training programs; destroying such property; is ordered to the contrary by any court under the provisions of a more appropriate ordinance or state statute; or at such time as the Purchasing Agent for the City of Grand Junction, or his designee, shall determine selling such property at public auction; provided, however, that:

(1) The Chief of Police or his designee shall examine all property in his custody, and if the identity of the owner appears from such examination or if the identity of the owner is readily available from public records available to him or otherwise known to him, the Chief of Police shall notify the apparent owner by letter, mailed by first class United States mail, postage prepaid, to the last known address of such apparent owner; describing the property and stating that such property is held by the Chief of Police and may be sold or otherwise disposed of unless claimed within thirty (30) days of mailing such notice.

(2) The Chief of Police or his designee shall keep in his control all articles of personal property seized or held as evidence, which has been delivered to the Chief of Police or one of his subordinates for use in any pending or prospective trial; unless otherwise ordered by the court having jurisdiction or upon proper authorization of the prosecuting attorney, until final disposition of any pending charges, including appeals or the lapse of time for filing an appeal.

(3) Before any such property may be sold at public auction, the Chief of Police shall cause to be published in a newspaper of general circulation in the City, not less than ten (10) days before such sale, a notice setting forth a description of each article to be sold, the time and date and place of sale, and a statement that any person who claims to be the owner of or claims any interest in any article so described may appear at the police department before the time and date set for sale, to reclaim such article upon presentation of satisfactory proof of identity and ownership of such articles.

(4) Sales of firearms shall be made only to property licensed dealers, except that hunting and sporting rifles and shotguns may be sold to any qualified adult.

(5) Whenever any property is retained by the City as provided for in this Section, it shall be added to the City's Capital assets inventory, which shall also indicate the location of the assigned property and the designated use thereof.

H. Sale of unclaimed property: At the time and place mentioned in the notice for the sale of unclaimed property, the City purchasing agent or his designee shall sell all such property at public auction for the highest and best price the same will bring in cash.

I. Proceeds of sale: The proceeds of such sale after deduction of the expenses of the sale, shall be paid to the City Treasurer, who shall deposit the same in the General Fund of the City.

J. Severability: If for any reason any one or more sub-sections of this Section, sentences, clauses or parts thereof are held invalid, such judgement shall not effect, impair or invalidate the remaining provisions of this Section, as all are hereby declared to be separable, but shall be confined in its operation to the specific sub-section, sentence, clause or part of this Section in any one or more instance and shall not affect or prejudice in any way the validity of this Section in any other instance.

PASSED and ADOPTED this 21st day of October, 1981.

Louis R. Brach

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the forgoing ordinance, being Ordinance No. 2008, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 7th day of October, 1981, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of October, 1981.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Published: October 9, 1981

Published: October 23, 1981

Effective: November 22, 1981