

2.40 - Lost and Confiscated Property

Chapter 2.40 - LOST AND CONFISCATED PROPERTY

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2.40.010 Items to be delivered to police—Records required. All lost property found, all stolen property seized and remaining unclaimed, and all property confiscated according to law and not otherwise disposed of, remaining in the possession of the police of the city shall, immediately upon taking, be delivered to the police department, as custodian thereof, who shall keep a record of all such property, together with the date when and the place from which the same was taken, which shall be a permanent record open to the inspection of the public. (Ord. 483-10: 347-77)

2.40.020 Sale or other disposition of property—Perishables. Any property seized or taken possession of as aforesaid (except currency) which is not claimed by and possession surrendered to the rightful owner (except if the possession of the property is unlawful or that the owner of the property was a party to the creation of a public nuisance as defined under C.R.S. 16-13-301, et seq., or for the sale or purchase of an alcoholic beverage for and on behalf of a minor) thereof shall be subject to sale at public auction or by “online auction” (i.e. E-Bay, etc.), in the following manner:

A. The Police Department shall publish in a newspaper in the City, or on City's website, instructions on where to find the description of each article of property so seized or taken, which has been in possession of the police for more than thirty (30) days, and give notice that if such property is not claimed by the rightful owner or owners within ten (10) days from the last date of such publication, such property will be sold at such public or “online” auction at the place and in the manner as in such notice prescribed. If within ten (10) days from the last publication of such notice no claim for the property described in the notice shall have been made and determined by the rightful owner thereof, the Police Department shall proceed to sell such property at public or “online” auction in the manner and upon the terms named in the notice. The Police Department may adjourn such auction from time to time, not exceeding thirty (30) days, by giving oral or posted notice of such continuance at the time and place advertised for the holding of such auction sale.

B. The proceeds of any sale or sales so made, after deducting therefrom the cost of storage, advertising and selling, etc., shall be paid to the City Clerk, to be placed into the general fund of the city; provided, however, that if any property seized or taken possession of by the police as aforesaid shall be of a perishable nature or of such nature as to make it inadvisable, in the opinion of the Chief of Police, to retain possession thereof for the length of time herein above specified, he may cause such property to be forthwith advertised for sale at auction, stating in his notice therefor its perishable nature or reason for the immediate sale thereof, and the time and place of such sale, and in not less than three (3) days after such advertisement, he may proceed to sell such property at public auction; provided, further, that nothing contained in this section shall refer to any impounded animals as may be provided for in any City ordinance.

C. As an alternative to the sale of such property, if it is determined that the City can use such property in its regular operations or trade it for other usable property or services, or donate such property to a non-profit organization, the City may do so, but only with the written authorization of the City Manager. Such disposition shall not relieve the City, however, from the notification requirements of subparagraph A prior to converting such property to City use.

D. Unclaimed property having little or no significant value or which would be illegal to possess or distribute may be disposed of by appropriate protocol established by the Police Department. (Ord. 516-11: 483-10: 905-94: 805-91: 347-77)

2.40.030 Return to finder--Exception.

A. Lost property deposited with the Police Department by the finder may be returned to the finder after thirty (30)

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days upon the application of the finder to the Chief of Police, or his or her designee, if such item has not been claimed by the true owner. If the finder is a member of the Police Department or an employee of the City, the lost property shall be disposed of pursuant to the provisions of Section 2.40.020.

B. Upon surrender of found property to the Police Department, the finder may, at his or her discretion, execute a finder's claim which shall contain his or her name, address, and telephone number, if any. Failure to notify the Police Department of any change to the information to the finder's claim during the thirty-day waiting period set out in this Section shall act as an abandonment of his or her finder's claim.

C. Records shall be maintained by the Police Department on the disposition of all unclaimed property to include, as a minimum:

1. A description of the item,
2. The date of disposition,
3. To whom it was disposed, and
4. The amount of any money received.

(Ord. 483-10)

2.40.040 Property and proceeds barred to owner after sale. After the disposition of such personal property, as set out in Section 2.40.020, the owner or persons entitled to same shall be forever barred from any and all claim or right to such property, or to the proceeds thereof. (Ord. 805-91: 347-77)

2.40.050 Property seized that is unlawful to possess or where the owner was a party to the creation of a public nuisance. If the property has been seized by the Police Department and the possession of such property is unlawful or the owner of the property was a party to the creation of a public nuisance, such property shall not be returned to the owner, but must be disposed of by sale or other disposition as provided in Section 2.40.020 above or, in the event that such property is currency, may be converted to the ownership and use of the City of Evans as may be determined by the City Manager provided that the owner of such property be given at least ten (10) days written notice prior to the disposition of such property. Such notice shall be given to the last known address of the owner or, if no such address is known, then by publication in a newspaper of general circulation in the City. In the event that the owner of such property shall contest such action, then he shall file, within ten (10) days of notice of the disposition of such property, a written notice of appeal with the City Clerk, and such appeal shall be heard by the City Council or a designated hearing officer within sixty (60) days of the filing of such notice of appeal. (Ord. 516-11)

Code Documents



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