



CITY OF MONROVIA
OFFICE OF THE CITY CLERK
M E M O R A N D U M

TO: MAYOR AND CITY COUNCIL
FROM: ALICE D. ATKINS, MMC, CITY CLERK
DATE: JULY 19, 2022
SUBJECT: JULY 19, 2022 – REGULAR MEETING

Below are changes and updates related to tonight's meeting agenda.

PRESENTATIONS/PROCLAMATIONS

PR-5 Pasadena Humane Pet of the Month

*This item will be **pulled**, as Michelle Holbrook, Pasadena Humane Outreach Coordinator is unable to attend the meeting.*

CONSENT CALENDAR

CC-4 Cancellation of the August 16, 2022, Regular City Council Meeting

*This item will be **pulled**, and placed on the August 2, 2022, agenda for consideration.*

ADMINISTRATIVE REPORTS

AR-2 Amendment to Title 2, Chapter 2.88 of the Monrovia Municipal Code Related to Unclaimed Property and Storage of Personal Property in Public Areas; Introduction and First Reading of Ordinance No. 2022-07

Staff Reference: Heath Harvey, Police Captain

*Attached is a **revised copy** of Ordinance No. 2022-07, with tracked changes showing. The revisions clarify that the property disposition process provided in Sec. 2.88.140(B) for Personal Property that has a value of \$250 or more that was found by a person other than a City employee in the course of employment, applies if: (i) the owner or person entitled to possession of the found Personal Property other than money does not appear within 90 days to prove his ownership of the Personal Property; or (ii) the owner or person entitled to possession of the found money does not appear in six months to prove his ownership of the Personal Property.*

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING CHAPTER 2.88 OF TITLE 2 OF THE MONROVIA MUNICIPAL CODE TO PROHIBIT THE STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY AND PROVIDE FOR THE REMOVAL OF SUCH PROPERTY

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.88 of Title 2 of the Monrovia Municipal Code is hereby amended in its entirety to read as follows:

“CHAPTER 2.88 UNCLAIMED PROPERTY AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS

Sections:

- 2.88.010 Purpose and intent.
- 2.88.020 Definitions.
- 2.88.030 Storage of personal property in public areas prohibited.
- 2.88.040 City officer or employee finding lost personal property—
Delivery—Statement.
- 2.88.050 Chief of Police to receive stored personal property.
- 2.88.060 Notice prior to impoundment.
- 2.88.070 Notice upon impoundment.
- 2.88.080 Holding and disposal of personal property.
- 2.88.090 Owner may claim personal property.
- 2.88.100 Unclaimed personal property to be used by city or sold at
auction—Notice.
- 2.88.110 Conduct of auction.
- 2.88.120 Sale—Disposition of proceeds and unsold property.
- 2.88.130 Unsalable and unusable personal property.
- 2.88.140 Property found by persons other than city officers or
employees—Disposition.

- 2.88.150 Dangerous or perishable personal property; evidence.
- 2.88.160 Sales to certain buyers prohibited.
- 2.88.170 Record of buyers kept.
- 2.88.180 Inventory.
- 2.88.190 Provisions not applicable.
- 2.88.200 Violations, penalties and enforcement.

§ 2.88.010 PURPOSE AND INTENT.

The public parks, public streets and alleys, public parking lots, public rights-of-way, parkways, public sidewalks, recreational areas and other publicly-owned or controlled property within the City should be readily accessible and available to residents, businesses and the public at large for their intended purposes. The use of these Public Areas for the Storage of Personal Property interferes with the rights of others to use and enjoy these Public Areas as they are intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. The purpose of this Chapter is to maintain these Public Areas within the City in a clean, sanitary, safe and accessible condition, to adequately protect the health, safety, environment and general welfare of the community, and to ensure that these Public Areas are used for their intended purposes and remain accessible to all citizens, businesses and visitors in the City. Nothing in this Chapter is intended to interfere with otherwise lawful and ordinary uses of public property.

§ 2.88.020 DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDONED PERSONAL PROPERTY. Personal Property to which the owner surrenders, relinquishes or disclaims all right, title, claim and possession, with intention of not reclaiming it or resuming its ownership, possession or enjoyment. Indicia of Abandoned Personal Property shall include, but not be limited to, the act of leaving the Personal Property in a Public Area so that it may be appropriated by the next comer.

ALLEY. Shall have the meaning set forth in § 110 of the California Vehicle Code.

CHIEF OF POLICE. The Chief of Police of the City of Monrovia, or his/her designee.

CITY CLERK. The City Clerk of the City of Monrovia, or his/her designee.

CITY MANAGER. The City Manager of the City of Monrovia, and shall include his/her designee.

COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director of the City of Monrovia, or his/her designee.

PERSONAL PROPERTY. Tangible personal belongings or possessions, which shall include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, including, but not limited to, furniture, appliances, money, books, and shopping carts or carts.

POLICE DEPARTMENT. The Monrovia Police Department.

PUBLIC AREA. A public place, including, but not limited to, any public streets, alleys, public parking lots, public parks, public rights-of-way, parkways, public sidewalks, recreational areas or other publicly-owned or controlled property.

SHOPPING CART or CARTS. Shall have the meaning set forth in § 8.13.020 of this Code.

STORE or STORED or STORAGE. To put aside Personal Property in a Public Area or accumulate it for use when needed; to place Personal Property in a Public Area for safekeeping; and/or to leave Personal Property unattended in a Public Area.

STREET. Shall have the meaning set forth in Section 590 of the California Vehicle Code.

UNCLAIMED PERSONAL PROPERTY. Personal Property that has been turned in to the Chief of Police pursuant to § 2.88.050, and that has not been claimed within a period of ninety (90) days by its owner, or within six months by its owner if the Personal Property is lost money.

§ 2.88.030 STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS PROHIBITED.

(A) It shall be unlawful and a public nuisance for any person to Store Personal Property in any Public Area, except as otherwise approved in writing by the Chief of Police, the Community Development Director or by resolution of the City Council. Personal Property Stored in Public Areas in violation of this section shall be impounded pursuant to §§ 2.88.050 through 2.88.200 of this Chapter.

(B) Any Personal Property left in any park at the time the park is closed to the public, whether or not the Personal Property is unattended, shall be immediately impounded, pursuant to the provisions of §§ 2.88.050 through 2.88.200 of this Chapter.

§ 2.88.040 CITY OFFICER OR EMPLOYEE FINDING LOST PERSONAL PROPERTY—DELIVERY— STATEMENT.

(A) It shall be the duty of every employee and officer of the city who shall find any lost Personal Property in or upon any Public Area to deliver the same to the officer or person in charge of the place where such lost Personal Property is found, or to the head of the department in which such employee is employed, together with a

written statement disclosing the circumstances of the finding, including the time and place thereof and the address of the owner or person entitled to possession, if known.

(B) Forms shall be provided by the City Manager for such written statements. A reference to this Chapter by its number and to all sections amendatory to this Chapter by their numbers, shall be made on such form.

§ 2.88.050 CHIEF OF POLICE TO RECEIVE STORED PERSONAL PROPERTY.

(A) The person to whom lost Personal Property is delivered as provided in § 2.88.040 shall cause the same to be delivered to the custody of the Chief of Police, who shall make a record of and care for and protect all such property coming into his possession.

(B) The Chief of Police is authorized to impound Personal Property pursuant to this Chapter, and shall make provisions for the receipt and safekeeping of Personal Property coming into his or her possession pursuant to this Chapter. A receipt shall be issued to the person delivering such Personal Property, unless the Personal Property was found in the course of employment by an employee of the City. The Chief of Police shall notify the owner of the Personal Property if his or her identity is reasonably ascertainable, or, if the identity of the owner is not reasonably ascertainable, cause a notice to be left in a prominent place on or near the location of the Personal Property for any Personal Property impounded pursuant to § 2.88.030, advising that the Chief of Police is in possession of the Personal Property and the location where it may be claimed.

§ 2.88.060 NOTICE PRIOR TO IMPOUNDMENT.

(A) Stored Personal Property may be impounded without notice if there is a reasonable belief that it is abandoned, presents an immediate threat to public health or safety, is evidence of a crime, is evidence in a criminal investigation, or is contraband.

(B) The City may erect signs in Public Areas stating that any Personal Property Stored in those areas is subject to immediate impoundment. Those signs shall serve to provide the notice otherwise required by this § 2.88.060. Personal Property unlawfully Stored where any such sign has been posted may be immediately impounded.

(C) If neither subsection "A" nor subsection "B" apply, Personal Property unlawfully Stored in Public Areas shall be impounded only after a notice is left at or near the location of the Personal Property, advising that the Personal Property will be impounded if it is not removed. This notice will specify a time when the Personal Property will be impounded if it is not removed. Such time shall not be less than forty-eight (48) hours after the notice is left.

§ 2.88.070 NOTICE UPON IMPOUNDMENT.

If, after any notice required by Section 2.88.060 is given, Personal Property remains unlawfully Stored in a Public Area, that Personal Property may be impounded. The person impounding the Personal Property shall leave a notice in a conspicuous place at or near where the Personal Property was located prior to being impounded, advising where the Personal Property is being kept and when and where it may be claimed by its owner.

§ 2.88.080 HOLDING AND DISPOSAL OF PERSONAL PROPERTY.

Personal Property other than money coming into possession of the Chief of Police pursuant to this Chapter shall be deposited in a safe place for a period of at least ninety (90) days. If the Personal Property consists of money, it shall be deposited with the City Treasurer for a period of not less than six months, unless sooner claimed by its owner. In the event the Personal Property other than money is not claimed within ninety (90) days, or the money is not claimed within six months, it shall be deemed to be Abandoned Personal Property, subject to disposition as provided in this Chapter.

§ 2.88.090 OWNER MAY CLAIM PERSONAL PROPERTY.

During the time that any Personal Property is held by the City, it may be delivered or paid to its owner as follows:

(A) The Personal Property shall be delivered upon proof of ownership satisfactory to the Chief of Police after ten (10) days' notice by mail to any other person(s) who have asserted a claim of ownership at any address given by such person(s).

(B) If the Personal Property consists of money, it shall be paid to the owner upon written order from the Chief of Police to the City Treasurer. The Chief of Police shall make such order upon the same proof of ownership and with the same notice as prescribed in the case of other Personal Property.

(C) If ownership cannot be determined to the satisfaction of the Chief of Police, he or she may refuse to deliver the Personal Property or refuse to order the payment of such money to anyone until ordered to do so by a court of competent jurisdiction.

§ 2.88.100 UNCLAIMED PERSONAL PROPERTY TO BE USED BY CITY OR SOLD AT AUCTION—NOTICE.

(A) Upon expiration of the ninety-day period, any Personal Property that is not money received by the City and not delivered to the owner may be disposed of pursuant to § 2.88.140 or may be sold at public auction to the highest bidder.

(B) Any lost money received by the Chief of Police, which remains unclaimed by its true owner or the finder thereof for a period of six months from the date of finding it, except as provided in § 2.88.140, shall thereafter be turned over to the City Treasurer for deposit in the general fund.

(C) Notice of the sale at auction of Unclaimed Personal Property shall be given by the City Clerk at the direction of the Chief of Police at least five (5) days before

the time fixed therefor by publication at least once in a newspaper of general circulation.

§ 2.88.110 CONDUCT OF AUCTION.

An auction for the sale of Unclaimed Personal Property shall be conducted at the direction of the City Manager.

§ 2.88.120 SALE—DISPOSITION OF PROCEEDS AND UNSOLD PROPERTY.

After any auction for Unclaimed Personal Property is completed, the Chief of Police shall report to the City Treasurer the necessary expenses of such sale actually incurred and a statement of the proceeds thereof, and shall forthwith pay to the City Treasurer for deposit in the general fund, the proceeds remaining after the payment of the expenses actually incurred. If there are no bids for any such property offered for sale at such auction, the property shall again be offered for sale at the next opportunity. It shall not be necessary, however, to offer such property for sale more than twice.

§ 2.88.130 UNSALABLE AND UNUSABLE PERSONAL PROPERTY.

Any Personal Property advertised and offered for sale but not sold shall be deemed to be of no value and shall be disposed of in such manner as the City Manager deems appropriate.

§ 2.88.140 PROPERTY FOUND BY PERSONS OTHER THAN CITY OFFICERS OR EMPLOYEES—DISPOSITION.

(A) Whenever any Personal Property is delivered to the custody of the Chief of Police by other than a person mentioned in § 2.88.040, a receipt for such money or other Personal Property shall be given to such person. Such receipt shall make reference to this Chapter and sections amendatory to this Chapter by section number and state upon what conditions the Police Department will receive such money or other Personal Property and that such money or other Personal Property may be disposed of in accordance with the provisions of this Chapter.

(B) In the event the owner or person entitled to possession of Personal Property other than money does not appear within 90 days to prove his ownership of the Personal Property, or in the event the owner or person entitled to possession of money does not appear in six months to prove his ownership of the Personal Property, and the owner or person entitled to possession proves his ownership of the Personal Property, and if the Personal Property has a value of \$250 or more, the Police Chief shall cause a notice of the Personal Property to be published at least once in a newspaper of general circulation. If after seven days following the first publication of the notice, no owner appears and proves his ownership of the Personal Property and the person who found or saved the Personal Property pays the cost of the publication, the title shall vest in the person who found or saved the Personal Property, unless the Personal Property was found in the course of employment by an employee of the city, in which case the Personal Property shall be sold at public auction.

(C) If the reported value of the Personal Property is less than \$250, and no owner appears or proves his ownership of the Personal Property other than money within 90 days, or no owner appears or proves his ownership of the money within six months, then title shall vest in the person who found or saved the Personal Property, unless the Personal Property was found in the course of employment by an employee of the city.

(D) Any Personal Property not thereafter claimed by the person who found or saved the Personal Property or in the case the person who finds or saves the Personal Property fails to pay the publication fee, shall be sold pursuant to § 2.88.100. Any Personal Property not claimed or sold as provided herein may be disposed of pursuant to § 2.88.130.

§ 2.88.150 DANGEROUS OR PERISHABLE PERSONAL PROPERTY; EVIDENCE.

Subject to the provisions of § 2.88.190, any Personal Property coming into the possession of the Chief of Police may be disposed of immediately and without notice, in a manner that the Chief of Police determines to be in the public interest, when such Personal Property is perishable, contraband, evidence of a crime, evidence in a criminal investigation, in danger of losing the greater part of its value, or constitutes an immediate threat to the public health or safety.

§ 2.88.160 SALES TO CERTAIN BUYERS PROHIBITED.

(A) No Personal Property sold by the Chief of Police pursuant to this Chapter shall knowingly be sold to any person under 18 years of age, and the buyer of any item or property must provide proof satisfactory to the Chief of Police, upon demand, that the buyer is not less than 18 years of age at the date of the sale.

(B) No Personal Property sold by the Chief of Police pursuant to this Chapter shall knowingly be sold to any person who is incompetent or of unsound mind or otherwise incapable of contracting.

§ 2.88.170 RECORD OF BUYERS KEPT.

(A) Any person purchasing any property pursuant to this Chapter shall sign a receipt to be kept by the Police Department, describing or identifying the property, acknowledging that he has received the property purchased, reciting the purchase price, stating that he is at least 18 years of age, and giving his true name and address, before removing the property from the place of sale. Such receipts shall be kept in an appropriate book or retainer as a permanent record of the Police Department. Such receipt may contain such further information and recitations as the Chief of Police or City Manager may deem appropriate.

(B) In the event of the sale of any firearms, records shall be made and kept, containing the same information as is required by law to be made and kept by vendors in the case of the sale of a new firearm of the same or similar class.

§ 2.88.180 INVENTORY.

(A) The Chief of Police shall keep or cause to be kept full and complete records and inventories of all property subject to this Chapter, showing the date same was received, and the name and address of the person from whom it was received; the disposition of such property, the date of disposition, the price, if any, received for the property, the name and address of the buyer, and the property on hand at any given time, together with such other and further information as the Chief of Police, the City Manager, or the City Council shall deem proper.

(B) The provisions of this section relating to keeping a record of the time of receipt and the depositor of such property shall not apply to property received prior to July 1, 1951, unless such a record is, on such date, in the possession of the Chief of Police.

§ 2.88.190 PROVISIONS NOT APPLICABLE.

(A) The provisions of this Chapter shall not apply to real or Personal Property subject to confiscation pursuant to state or federal law, to Personal Property that constitutes evidence of a crime, evidence in an ongoing criminal investigation and/or civil proceeding pursuant to state or federal law.

(B) The provisions of this Chapter shall not apply to Abandoned Personal Property, which shall be disposed of forthwith.

(C) Shopping Carts or Carts shall be subject to release to the owners and operators of businesses which provide shopping carts for the convenience of their customers or abatement and/or disposal thereof in accordance with the provisions of Chapter 8.13, as the case may be.

(D) Notwithstanding the regulations set forth in this Chapter, the City Manager and/or Chief of Police are hereby authorized to promulgate additional rules and policies for the implementation of this Chapter in a manner consistent with state and federal law.

§ 2.88.200 VIOLATIONS, PENALTIES AND ENFORCEMENT.

Notwithstanding any other provision in this Code, each violation of the provisions of this Chapter may be enforced alternatively as follows:

(A) A violation of this Chapter may be punishable as a misdemeanor or an infraction at the discretion of the City Attorney.

(B) The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law.”

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof,

irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective thirty (30) days after its passage.

INTRODUCED this 19th day of July, 2022.

PASSED, APPROVED, AND ADOPTED this 2nd day of August, 2022.

Becky A. Shevlin, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Alice D. Atkins, MMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia