

FOUND PROPERTY ON CITY PREMISES

POLICY STATEMENT: The City is committed to the beautification of City properties. The City is committed to ensuring that its facilities and resources are reasonably maintained, clean, safe, and supports a comfortable environment to provide quality City services and activities.

City staff may become aware of unattended, lost, found, or abandoned property on City premises. In order to ensure the appropriate handling of this property, procedures for controlling, collecting, recording, releasing, and disposing of found property will be followed as outlined in this directive.

DEFINITIONS

Contraband – Any item whereby its mere possession constitutes an illegal act or criminal offense.

Department Designee – The person designated within each City department responsible for receiving found property on behalf of that Department.

Evidence – Any item that is directly or indirectly related to a criminal act or could be used later in a court proceeding.

Hazardous Items – Any item that reasonably appears to pose a health or safety risk to members of the public or to City employees or to other authorized personnel and cannot be appropriately stored due to condition. Hazardous items may be unsanitary, soiled, or verminous items.

Found Property – Any person's personal property found on City premises that, without the intention of the owner, comes into the custody of the City.

Personal Property – Any item that is reasonably recognizable as belonging to a person and in its present condition, it has apparent utility and is not hazardous.

Property Storage Area – Those areas that are designated for storage of certain property under limited circumstances and time periods.

GENERAL RESPONSIBILITY AND SUPERVISION

The Park Maintenance (PM) Division is responsible for the function and management of processing found property on City premises.

CONTRABAND

Any City staff who has reason to believe that property is contraband and/or evidence shall notify the Denton Police Department promptly and the Park Superintendent and/or Park Manager as soon as possible. Staff will take steps deemed appropriate in an attempt to ensure safety and prevent the property from contamination and/or removal by others until the Denton Police Department arrives or other designated staff trained or authorized to handle such situations.

FOUND PERSONAL PROPERTY

Personal property left on City premises or found by City staff or turned over to City staff will be held by the City pursuant to applicable law. Notwithstanding this, the City reserves the right to discard or

dispose of any hazardous items to maintain public health and safety. Further, property on the premises that is trash (i.e. rubbish, waste, damaged, or unusable, in addition to, having no commercial value) may also be disposed of or discarded. City staff should check the property first to see if it has the owner's name or other identification on it to ascertain who the property may belong to and/or carefully evaluate the condition of the property to determine the most appropriate action to take regarding the property.

Staff who come into contact with such personal property or hazardous items should take precautions to protect themselves from contamination. For example, staff should always utilize protective gloves and clothing when handling items that involve blood or other bodily fluids and should avoid contact with any portion of their body or clothing, including the soles of their shoe. They should also avoid contact with others, until washing their hands or removing protective gloves and clothing.

A. PROCEDURES

Personal property that is sanitary and saleable and / or usable will be collected by City staff using the following steps:

1. COLLECTION

- a. Before moving the property, pictures will be taken of the property with the first and last picture orienting in a northern direction for orientation. Pictures shall also attempt to include a landmark in the background.
- b. The property will be documented using the Property Tracking Form. The form must be completed in its entirety and include the date, time, and location of where the property was located, the name of the staff member collecting the property, an itemized list of the item(s) to be collected, a description of the item(s), and an estimated value of the item(s).
- c. Collect the property and transport it to the designated property storage area.
- d. Record all documents and picture associated with the collection of the property in the designated "O" Drive folder.
- e. Report incident to the Park Superintendent or the Park Manager to begin process of identifying an owner.

2. STORAGE

- a. All property collected shall be taken to and placed in the designated property storage area.
- b. A corresponding Affidavit Form should be completed, attached to the property, and stored with it.
- c. Prior to storage, a designated supervisor should review the property and its associated paperwork for all required documentation.
- d. Property shall be stored until it can be disposed of in accordance with State law and this policy.
- e. Reasonable measures should be taken to secure the property and maintain it in good condition.

3. NOTIFICATION

- a. If ownership can be determined, City staff will reasonably attempt to contact and provide notice to the owner, giving owner a reasonable opportunity to obtain their property, not to extend ninety (90) days from date of notice.

- b. If identification of the owner is not possible or cannot be ascertained and the property has a fair market value of \$500 or more, the department designee shall publish once in a paper of general circulation in the municipality a notice containing a general description of the property held, the name of the owner if known, the name and address of the department designee holding such property, and a statement that if the owner does not claim such property within 90 days from the date of the publication such property will be disposed of and the proceeds, after deducting the reasonable expense of keeping such property and the costs of the disposition, placed in the treasury of the municipality disposing of the property.

4. RELEASE OF FOUND PROPERTY

- a. Any person(s) claiming ownership of found personal property must provide one or more of the following to establish legitimate ownership:
 - Documents such as receipts, bill of sales, transfers, insurance, and warranties
 - Description of the item(s) and provide information on any distinguishing characteristics of the item(s)
 - Description of the last known location of the personal property
 - Any other information that can provide an affirmative link to the property item(s)
- b. All personal property returned to an owner must include the completion and signature of the form.
- c. All personal property recorded on the Property Tracking Form must be logged when removed from the designated storage area for transfer to another agency / department, released to the owner, disposal / destruction, or for any other reason. The staff member releasing the item(s) shall document the date and time of event, the name of the person receiving the item(s), and the reason for its removal on the item's Property Tracking Form.
- d. The City reserves the right to charge reasonable storage fees and other reasonable fees for the maintenance of the personal property, to the extent allowed by law.

5. DISPOSAL OF PROPERTY

- a. The personal property may be disposed of or discarded if:
 1. The personal property for disposal is presumed "abandoned property", pursuant to applicable law in that (1) the existence and the location of the owner of the property is unknown; (2) no claim for ownership of the property has been made; (3) and it has been thirty (30) days based on City records since the City took possession or control of the property; and
 2. The personal property's commercial value is none or less than \$500, and not suitable for auction due to its value; or
 3. Provided the property is hazardous or trash (i.e. rubbish, waste, damaged, or unusable, in addition to, having no commercial value), said property may be disposed of or discarded; or
 4. If an owner was identified and notified, but the owner fails to claim their personal property within the specified time limit included in the notification to the owner and said property does not have reasonable commercial value of at least \$500 to be auctioned off, the property may be disposed of or discarded after the expiration specified time limit in the notification.

6. MISCELLANEOUS

- a. General procedures for disposal of personal property
 - Personal property that contain sensitive information such as driver's license numbers, credit card information, birth dates, etc. shall shredded.
 - Personal property suitable for submission to the city's Purchasing Department for auction with an estimated value of \$500 or more of reasonable commercial value (such as, books, radios, stereos, speakers, amplifiers, bicycles, household goods, televisions, DVDs, VCRs, computer equipment/accessories, and electronic devices) shall be compiled in written list, including a brief description of the item, including a signed signature and printed named of staff member preparing the list and a signed signature and printed named of staff member taking custody of the items to be auctioned.
- b. Property placed in property storage area should be discarded and disposed of based on the property's designated expiration dates on the Property Tracking form.

B. PROPERTY STORAGE AREAS

Inspection and inventory of the property storage area will be conducted by the Department Designee once a year or as reasonably necessary. Inspections and inventory will be performed primarily for the purpose of:

- Storage area maintenance and organization
- Property management
- Inventory of property and reconciliation with the Property Tracking Forms