

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING CHAPTER 2.78  
RELATING TO THE SALE OF UNCLAIMED PROPERTY

WHEREAS, the Towing & Lien Sale Division of the Fleet Services Bureau  
(Towing), in the Financial Management Department, is responsible for City towing and  
storage of vehicles impounded at the request of the Police, Public Works or Parks,  
Recreation and Marine Departments; and

WHEREAS, in the process of its duties, Towing stores unclaimed personal  
property, as well as other evidence from towed vehicles, as directed by the Police  
Department; and

WHEREAS, before any vehicle is legally cleared for auction, an inventory of  
each vehicle's contents is performed to ensure no contraband, personal identification, or  
firearms are sold with the vehicle; and

WHEREAS, personal property is released to its rightful owner prior to the  
lien sale, provided the claimant can verify ownership and as allowed by policy and law;  
and

WHEREAS, unclaimed property not designated as evidence by the Police  
Department, is consolidated and palletized for auction during bi-weekly lien sales; and

WHEREAS, secured space for storage of these articles is extremely limited  
at the Towing facility on Willow Street; and

WHEREAS, the amendments herein will formalize the towing and lien sale  
activities of unclaimed property conducted by the Financial Management Department and  
broadens the scope of the of the City's authority under the Long Beach Municipal Code to  
allow for the sale of unclaimed property acquired through other City business activities,

1 not just the Police Department;

2 NOW, THEREFORE, The City Council of the City of Long Beach does  
3 hereby ordain as follows:

4  
5 Section 1. Chapter 2.78 of the Long Beach Municipal Code is amended  
6 and restated as follows:

7 CHAPTER 2.78 UNCLAIMED PROPERTY

8 2.78.010 Inventory.

9 The City Manager or designee shall, on or before the first Monday in  
10 November of each year, and may, at other times which in their discretion appear  
11 desirable, make an inventory of all personal property which has come into the  
12 possession of the City of Long Beach (City) and has been unclaimed by the owner  
13 and will, at the time of any proposed sale or public use, have been in the  
14 possession of the City for at least three (3) months. Such inventory shall give a  
15 brief description of all property so held.

16 2.78.020 Sale—Notice.

17 Public notice shall be given by publication in the official newspaper of the  
18 City at least five (5) days prior to any proposed sale. The notice shall contain a  
19 brief description of property to be sold, the time, place, and manner of sale. It shall  
20 also contain a brief description of property to be kept or destroyed, and a  
21 statement that all of the listed property will be either sold, kept or destroyed if not  
22 claimed by the owner before the date set for sale.

23 2.78.030 Weapons, burglar's tools and liquor.

24 Any arms, weapons, or burglar's tools listed in the notice shall be kept or  
25 destroyed by the City, the City Manager or designee to decide in their discretion  
26 whether any of such items should be kept or destroyed. All liquors listed in the  
27 notice shall be destroyed at the discretion of the City Manager or designee.

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1           2.78.040     Sale—Date.

2           The City Manager or designee shall, on the first Saturday in December of  
3           each year, and may, at other times in their discretion, sell at public auction to the  
4           highest bidder all property except arms, weapons, burglar's tools, liquors, drugs,  
5           and property to be kept for public use. Property that is needed or desired for public  
6           use will not be sold at public auction.

7           2.78.050     Sale—Deposit of proceeds.

8           All money received from the sale of such property shall be deposited in the  
9           general purpose fund of the City.

10          2.78.060     Unsold property disposition.

11          Any unclaimed property which has been properly inventoried, which is not  
12          being kept for public use, and which has been offered for sale and not sold may be  
13          summarily destroyed by the City Manager or designee.

14  
15          Section 2.    The City Clerk shall certify to the passage of this ordinance by  
16          the City Council and cause it to be posted in three (3) conspicuous places in the City of  
17          Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
18          Mayor.

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OFFICE OF THE CITY ATTORNEY  
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I hereby certify that the foregoing Ordinance was adopted by the City  
Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2020,  
by the following vote:

Ayes:	Councilmembers:	_____
		_____
		_____
		_____
Noes:	Councilmembers:	_____
		_____
Absent:	Councilmembers:	_____
		_____
Recusal(s):	Councilmembers:	_____

\_\_\_\_\_  
City Clerk

Approved: _____	_____
(Date)	Mayor