

CITY OF BERKELEY

ADMINISTRATIVE REGULATIONS

SUBJECT: Temporary Storage of Unattended Property

PURPOSE

The purpose of this Administrative Regulation is to outline the policy and procedures for properly securing Unattended Property, in order to support the health and safety of our community, in compliance with all legal requirements.

POLICY

Unattended Property is defined as tangible personal property that has been left on City property or the public right of way ("Public Space") with no person claiming or asserting ownership, or that needs to be stored as the result of a law enforcement action or a medical situation.

Property includes but is not limited to:

- Identification
- Photos / photo albums
- Tents, sleeping bags, bedding (which is deemed to be in serviceable condition)
- Luggage, backpacks, purses
- Clothing
- Documents (together in a packet bound or secured in some way)
- Jewelry
- Medication
- Eyewear
- Electronic equipment
- Tools
- Bicycles and other non-motorized methods of transportation which are in working order

Unattended Property that is removed by City staff shall be held in safe-keeping for 14 days, unless it appears from visual observation to have a resale value of \$100 or more, in which case it shall be held for 90 days. Items that are usable for shelter, such as tents, tarps and sleeping bags, shall be retained for a minimum of 45 days regardless of apparent value. Unattended Property that is clearly refuse or garbage may be disposed of immediately. Items shall be secured in a locked, covered, storage container located at the Corporation Yard at 1326 Allston Way. The storage container shall be accessible by City Staff only.

PROCEDURE

1. Berkeley Police Department (981-5911) shall respond as availability allows to calls from City Staff to provide assistance to City Staff who need law enforcement support when picking up and transporting Unattended Property.
2. City staff shall remove Unattended Property from Public Space as found as part of routine duties, in response to complaints, or as directed by the Berkeley Police Department. Occupied/attended encampments will be given a reasonable time to

remove their property, as determined by the Berkeley Police Department.

3. City Staff shall provide at least 24 hours' notice that Unattended Property is subject to removal, by leaving/posting a written notice on the Unattended Property, unless the Unattended Property is blocking free passage of a sidewalk or public right-of-way, presents a health and safety hazard, or interferes with access to a public accommodation or business. Written notice shall not be required when Unattended Property is located in a park where notice is already posted in reasonably visible locations. Such posted notice must provide that unattended property is subject to removal by the City and give instructions on how it may be retrieved.
4. City Staff shall photograph Unattended Property before it is removed, regardless of whether it is going to be disposed of or stored.
5. City Staff shall ensure a copy of the written notice is posted or left at the location from which the Unattended Property has been removed, advising the owner how to retrieve stored property.

When removing property from Public Space, City Staff shall utilize a *Property Inventory Form (Inventory Form)* to record the date the Unattended Property was removed and the location from which it was removed. The Unattended Property shall be inventoried either as individual items or by the quantity of bags stored. Any items of value (including but not limited to jewelry, electronics, medical or dental equipment) shall be inventoried. This inventory may be conducted on location or at the Corp Yard. The *Inventory Form* shall note how long Unattended Property will be stored. A copy of this form and the photographs shall be maintained by Corporation Yard staff.

Unattended Property shall be kept in clear bags or bins. Each bag or bin shall be affixed with a copy of the *Inventory Form*, which displays the date and the location from which the Unattended Property was removed.

At the expiration of the requisite storage time, unclaimed property shall be disposed of; the date of disposal shall be noted on the corresponding *Inventory Form* and submitted to Corporation Yard staff.

City staff shall not store any of the following items as they are unsafe for storage, impractical to store, or considered to be trash:

- Soiled or moldy items
- Loose or scattered papers
- Wet or damp clothing, bedding or sleeping bags if storing it would cause it to mold
- Perishable food or personal products that will spoil in storage
- Personal hygiene products such as toothbrushes, hair brushes
- Bike carcasses and parts
- Mattresses, futons, furniture
- Shopping Carts*
- Broken or disassembled items or those stripped of parts (i.e. flat tires, electronics, torn up clothes)
- Weapons – weapons will be turned over to Berkeley Police Department

- Any item that may attract rodents or insects (containers for recycling or food storage)
- Hazardous or Explosive items such as gasoline cans, propane tanks, batteries

*Shopping carts with their contents shall not be stored in their entirety. Shopping carts will be returned to identified stores and/or the stores will be notified to retrieve them when possible. City Staff shall not remove the contents of shopping carts, unless there are items which can be easily identified as personal belongings and which meet the criteria for storage. These items shall be stored, and items which do not meet the criteria for storage shall be disposed of. The *Inventory Form* shall be noted accordingly.

To Retrieve Stored Property:

Citizens wishing to reclaim their property shall contact 311 Customer Service Center by dialing 311, or 510-981-2489. Lobby security at the Civic Center Building, 2180 Milvia, should be advised to direct inquiries to 311. 311 shall in turn transfer the caller to the appropriate City Department, Parks or Public Works, based upon the location from which the property was removed between 9:30 am and 2:30 pm Monday – Friday.

City Staff shall compare the date, time, and location from which the requestor reports property went missing with the *Inventory Forms*, to determine whether the requestor's property is in storage.

If the property is determined to be in storage, an appointment to reclaim the property from storage shall be scheduled between the appropriate City staff and the caller/requestor, for retrieval between the hours of 9:30 a.m. – 2:30 p.m. Monday – Friday excluding holidays.

At the appointed date/time, the requestor shall come to the City's Corporation Yard, Bldg A lobby area. The individual shall identify him/her self and provide the date and location from which the property was picked up, along with a description of the property. The requestor shall wait at the Corporation Yard while designated City Staff retrieves the identified property from the storage unit and transports it to the parking lot. The requestor will be required to sign the *Inventory Form*, a copy of which will be maintained by Corporation Yard staff.

If a representative of the requestor is retrieving the items, he/she shall be required to provide to City Staff a completed *Declaration of Authorization to Take Custody of Property* and sign the *Inventory Form* upon receipt of the property.

To File a Complaint:

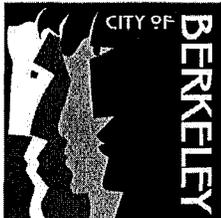
Persons having complaints about the City's process for managing Unattended Property may submit their concerns to the Online Service Center <http://www.cityofberkeley.info/onlineservicecenter/>, and the complaint will be reviewed by designated City Staff accordingly.

To File a Claim:

Persons wishing to file a claim shall be directed to complete a claim form which can be found - http://www.cityofberkeley.info/Attorney/Home/Claim_Form.aspx

APPENDICES

APPENDIX 1: PROPERTY INVENTORY FORM



Public Works Department
Parks, Recreation & Waterfront

PROPERTY INVENTORY FORM

INVENTORY ID NUMBER: _____

LAGAN CASE #: _____

DATE PICKED UP: _____

TIME PICKED UP: _____

PICK UP LOCATION/ADDRESS: _____

HOLD FOR 14 DAYS: Property which appears to be personal possessions of **less** than \$100 resale value.

HOLD FOR 45 DAYS: Property which is usable for shelter.

HOLD FOR 90 DAYS: Property which appears to be personal possessions of **more** than \$100 resale value.

DISCARDED: Property which appears to have been abandoned, illegally dumped or does not meet the storage requirements.

EMPLOYEE # (S): _____

DEPARTMENT: _____

DESCRIPTION of UNATTENDED PROPERTY (itemized with estimated value):

Original provided to Public Works/Parks Operations Support

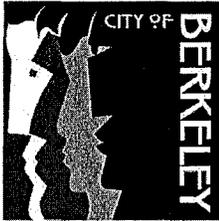
RETRIEVED: DATE: _____ SIGNATURE: _____

NAME: _____ CONTACT INFO: _____

DISPOSED: DATE: _____ BY EMPLOYEE # (S): _____

Copy provided to Public Works/Parks Operations Support

APPENDIX 2



DECLARATION OF AUTHORIZATION TO TAKE CUSTODY OF UNATTENDED PROPERTY

I, _____, declare:

1. Each of the persons whose signature appears on the attachment to this declaration has stated to me that he or she is the owner of personal property described on the attachment, and that said personal property was removed by the City of Berkeley from public property and is now in the possession of the City of Berkeley.

2. I have informed each of the persons whose signature appears below that I am willing to take custody of said personal property from the City of Berkeley in order to return it to them.

3. I have been authorized by each of the persons whose signature appears below to do so.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Berkeley, California, on _____, 20__.

Print Name: _____

Signature: _____

APPENDIX 3

**ATTACHMENT TO DECLARATION OF AUTHORIZATION
TO TAKE CUSTODY OF UNATTENDED PROPERTY**

1. Printed name: _____

Signature: _____

Property description: _____

Location Property Removed From: _____

Storage Start Date : _____, _____

2. Printed name: _____

Signature: _____

Property description: _____

Location Property Removed From: _____

Storage Start Date : _____, _____

3. Printed name: _____

Signature: _____

Property description: _____

Location Property Removed From: _____

Storage Start Date : _____, _____

4. Printed name: _____

Signature: _____

Property description: _____

Location Property Removed From: _____

Storage Start Date : _____, _____