

CLERK'S OFFICE
APPROVED

Date: 12-17-02

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Anchorage Police Department
For reading: November 26, 2002

ANCHORAGE, ALASKA
AO NO. 2002- 171

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 7.25 AND
AMENDING THE TITLE THEREOF FROM "ABANDONED, STOLEN OR LOST
PROPERTY" TO "DISPOSITION OF DISPOSABLE PROPERTY."

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: Anchorage Municipal Code chapter 7.25, entitled "Abandoned, Stolen or
Lost Property," is amended to read as "Disposition of Disposable Property."

**Chapter 7.25 DISPOSITION OF DISPOSABLE PROPERTY [ABANDONED,
STOLEN OR LOST PROPERTY]**

Section 2: Anchorage Municipal Code chapter 7.25 is amended by adding a new
section entitled "Definitions" to read as follows:

7.25.005 Definitions.

For the purposes of this chapter, unless otherwise provided, the following words
when used in this chapter, shall have the meanings ascribed to them in this section:

"Bicycle" means any wheeled device primarily designed to be propelled by human
power, including tricycles and unicycles, and may be motor-driven assisted.

"Collectible item" means any disposable property, including, but not limited to,
money, ingots, or a precious metal commodity, which may be considered collectible
or perceived to have an above average monetary market value.

"Community based non-profit organization" means a fraternal, charitable, religious,
benevolent, or other non-profit organization, actively operating in the Municipality of
Anchorage, that is exempt from taxation under the Internal Revenue laws of the
United States as a fraternal, charitable, religious, or benevolent organization.

"Contraband" means any property exported or imported in violation of law, or any
property the possession of which constitutes a violation of law or is otherwise
prohibited, including controlled substances, drug paraphernalia, and altered or
counterfeit money.

"Controlled substance" means a drug, substance, or immediate precursor included
in the schedules set out in AS 11.71.140-11.71.190.

1 *"Dangerous or perishable property"* means any disposable property in the
2 possession of the Anchorage Police Department determined to be perishable, or
3 determined to be an immediate danger or health hazard to anyone, including
4 municipal employees or the general public.

5
6 *"Destroy"* means destruction or rendering incapable for use, and permanently
7 disposing of property by any lawful means, excluding auction, sale or converting to
8 municipal use.

9
10 *"Destructible property"* means any disposable property in the possession of the
11 Anchorage Police Department that is dangerous, perishable, forensic evidence
12 released after the final judicial, quasi-judicial or adjudicatory disposition date, or any
13 other disposable property that may be destroyed as set out in section 7.25.060.

14
15 *"Disposable property"* means any property in the possession of the Anchorage
16 Police Department, including money or collectible items, that can be lawfully
17 released or disposed of after retention periods set out in this chapter. Disposable
18 property does not include motorized vehicles towed or impounded to a towing yard,
19 which are regulated under Title 9 and 15, or municipal surplus property, regulated by
20 section 7.10.070.

21
22 *"Disposition deadline date"* is 30 days after the posted date of the Notice of
23 Disposable Property.

24
25 *"Drug paraphernalia"* has the same meaning as in section 8.35.010.

26
27 *"Drugs"* means prescription drugs, over-the-counter medication or controlled
28 substances.

29
30 *"Evidence"* means any property that is collected, found, recovered, seized, or
31 otherwise comes into the custody of the Anchorage Police Department, and retained
32 for any criminal or internal investigation, judicial, quasi-judicial, or adjudicatory
33 proceedings.

34
35 *"Fair market value"* means the commercial value that could reasonably be expected
36 for any unclaimed disposable property disposed of under this chapter.

37
38 *"Final judicial, quasi-judicial or adjudicatory disposition date"* means the date when
39 all adjudicatory, quasi-judicial, and court appeals have been exhausted or the
40 appeal period has expired, for each referenced case and for all persons associated
41 with the evidence in possession of the Anchorage Police Department.

42
43 *"Finder"* means the person identified on an official police report who has given
44 found property to the Anchorage Police Department.

45
46 *"Firearm"* means any device that is designed for or capable of delivering a projectile

2 using an explosive as a propellant, including a pistol, rifle, shotgun, revolver or
3 similar device.

4 "*Forensic evidence*" means evidence collected that is scientifically testable, may
5 contain organic or inorganic biological properties, may have been chemically
6 treated, or collected with the intent to conduct a scientific examination for evaluation
7 or discussion and has potential for presentation in a internal investigation, judicial,
8 quasi-judicial or adjudicatory proceeding.

9
10 "*Found property*" means non-evidentiary property held by the Anchorage Police
11 Department as lost or abandoned property.

12
13 "*Insubstantial fair market value*" means unclaimed disposable property which the
14 Anchorage Police Department determines to have a fair market value of \$50.00 or
15 less.

16
17 "*Money*" means any domestic or foreign currency or comparable medium of
18 exchange that is currently in circulation, has value, and is generally accepted by a
19 financial institution.

20
21 "*Notice of disposable property*" means a printed or electronically accessible
22 document containing information and an itemized list of disposable property in the
23 possession of the Anchorage Police Department.

24
25 "*Notice of possession*" means a letter mailed or electronically sent to a known owner
26 or any finder of disposable property, advising that the Anchorage Police Department
27 is in possession of the disposable property for which they may have an ownership
28 interest.

29
30 "*Over-the-counter medication*" means any substance that may be lawfully sold over
31 the counter without a prescription, under 21 U.S.C. §§ 301-392 (Food, Drug, and
32 Cosmetic Act) and 21 C.F.R. § 1308.22, and any amendments to these federal
33 laws.

34
35 "*Owner*" means a person, their legal representative, or an authorized representative
36 of a business with a legal or equitable interest in disposable property, that can
37 produce sufficient proof of ownership acceptable to the Anchorage Police
38 Department.

39
40 "*Personal property*" means property in the form of personal identification, credit,
41 debit, or bank cards, personal credentials, financial or legal documents, mail,
42 photographs, keys, grooming materials, clothing or similar items.

43
44 "*Property*" means any item in the possession of the Anchorage Police Department
45 classified as evidence, found, safekeeping, or for destruction.
46

1 *"Safekeeping property"* means any non-evidentiary property in the possession of the
2 Anchorage Police Department placed into temporary custody on behalf of a known
3 owner.
4

5 *"Unclaimed disposable property"* means any disposable property in the possession
6 of the Anchorage Police Department that is not claimed by, or timely retrieved after,
7 the disposition deadline date.
8

9 *"Vehicle"* means any motor vehicle, motorcycle, motor-driven cycle, snow machine,
10 all terrain vehicle, or any classification of trailer. Motor assisted bicycles, battery
11 operated toys, or machines designed as children's toys, are not considered a
12 vehicle.
13

14 *"Weapon"* means any item traditionally used as a weapon, except firearms, and
15 includes a chemical dispensing device, bow, club, baton, crossbow, knife, metal
16 knuckles, martial arts weapon, or a gun which uses compressed air to deliver a
17 pellet, BB, paintball or similar projectile, or any explosive component or destructive
18 device.
19

20
21 **Section 3:** Anchorage Municipal Code section 7.25.010 is amended to read as
22 follows:
23

24 **7.25.010 Disposable property.**
25

26 **A.** [THIS CHAPTER IS TO BE INTERPRETED CONSISTENTLY WITH 10.20.037.
27 THE NOTICE PROCEDURES SET FORTH IN THIS CHAPTER DOES NOT
28 APPLY TO PROPERTY SEIZED FROM PAWNSHOPS OR SECONDHAND
29 MERCHANTS. NOTICE OF INTENT TO DISPOSE FOR PROPERTY SEIZED
30 FROM PAWNSHOPS OR SECONDHAND MERCHANTS IS ADDRESSED IN
31 SECTION 10.20.37. THE DISPOSAL PROCEDURES SET FORTH IN THIS
32 CHAPTER WILL APPLY TO PROPERTY SEIZED FROM A PAWNSHOP OR
33 SECONDHAND MERCHANT ONLY WHEN THE PAWNSHOP OR
34 SECONDHAND MERCHANT HAS WAIVED THE RIGHT TO NOTICE OF
35 DISPOSAL AS PROVIDED FOR IN 10.20.037 K. EXCEPT AS OTHERWISE
36 PROVIDED FOR BY LAW, THE FOLLOWING PROPERTY IN POSSESSION
37 OF THE POLICE DEPARTMENT MAY BE DISPOSED OF AS PROVIDED FOR
38 IN THIS CHAPTER. THE DISPOSAL PROCEDURES SET FORTH IN THIS
39 CHAPTER APPLY TO PROPERTY SEIZED FROM A PAWNSHOP OR
40 SECONDHAND MERCHANT ONLY WHEN THE PAWNSHOP OR
41 SECONDHAND MERCHANT HAS WAIVED THE RIGHT TO NOTICE OF
42 DISPOSAL AS PROVIDED FOR IN 10.20.037 K.] Except as otherwise required
43 by law, the following property in possession of the Anchorage Police Department
44 [POLICE DEPARTMENT MAY BE] is disposable property and shall be disposed
45 of as provided for in this chapter:
46

1 1 [A]. Evidence [PROPERTY COLLECTED AS EVIDENCE] which is no longer
2 required for purposes of investigation or presentation and has been
3 retained for 30 days after the final judicial, quasi-judicial or adjudicatory
4 disposition date [AND NOT CLAIMED BY THE OWNER WITHIN 15
5 DAYS AFTER FINAL DISPOSITION OF THE CRIMINAL CASE TO
6 WHICH IT PERTAINS];

8 2 [B]. Safekeeping property [PROPERTY VOLUNTARILY TENDERED TO THE
9 POLICE DEPARTMENT AND NOT CLAIMED BY THE OWNER] that has
10 not been claimed by the owner within 15 days after being acquired by the
11 Anchorage Police Department;

12
13 3 [C]. Found property, excluding bicycles, that has not been claimed by the
14 owner within 15 days after being acquired by the Anchorage Police
15 Department [PROPERTY FOUND AND DELIVERED TO THE POLICE
16 DEPARTMENT AND NOT CLAIMED BY THE OWNER WITHIN 15 DAYS
17 THEREAFTER]; and

18
19 4 [D]. Found bicycles that have not been claimed by the owner within 10 days
20 after being acquired by the Anchorage Police Department. [STOLEN
21 PROPERTY RECOVERED BY THE POLICE DEPARTMENT AND NOT
22 CLAIMED BY THE OWNER WITHIN 30 DAYS AFTER SUCH
23 RECOVERY].

24
25 B. The following property in possession of the Anchorage Police Department is not
26 subject to the retention periods in subsection A:

27
28 1. property voluntarily submitted to the Anchorage Police Department by the
29 owner for the purposes of disposal or destruction; or

30
31 2. found contraband; or

32
33 3. dangerous or perishable property.

34
35 [THE TERM "DISPOSABLE PROPERTY," AS USED IN THIS CHAPTER, DOES
36 NOT INCLUDE A VEHICLE WHICH HAS BEEN IMPOUNDED FOR A VIOLATION
37 OF TITLE 9. DISPOSABLE PROPERTY IS ANY PROPERTY IN POSSESSION OF
38 THE POLICE DEPARTMENT WHICH CANNOT BE IDENTIFIED TO AN OWNER.]

39
40 (CAC 2.76.010; AO No. 79-203; AO No. 88-79; AO No. 95-115, § 2, 7-6-95; AO NO.
41 2000-113, § 1, 7-25-00)

42
43 **Section 4:** Anchorage Municipal Code section 7.25.020 is hereby renumbered and
44 amended to read as follows:

45
46 7.25.015 [7.25.020] Notice of possession.

1
2 A. The Anchorage Police Department shall make an attempt by any reasonable
3 method to identify and notify the last known owner. In the event the owner does
4 not claim the property, a notice of possession shall be sent to the owner and to
5 any finder of found property in the following manner:

- 6
7 1. certified mail, return receipt requested; or
8
9 2. fax, if it is determined that the owner or any finder is currently incarcerated in
10 a correctional facility that prohibits acceptance of certified mail on behalf of
11 an inmate. A fax transmission receipt report shall constitute sufficient
12 verification of receipt of the notice.

13
14 [THE CHIEF OF POLICE SHALL NOTIFY THE PURCHASING OFFICER THAT
15 HE IS IN POSSESSION OF DISPOSABLE PROPERTY. THE PURCHASING
16 OFFICER SHALL PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION
17 IN THE MUNICIPALITY TWICE A WEEK FOR TWO CONSECUTIVE WEEKS A
18 NOTICE OF POSSESSION OF DISPOSABLE PROPERTY. AT
19 APPROXIMATELY THE SAME TIME AS THE FIRST PUBLICATION, THE
20 PURCHASING OFFICER SHALL SEND COPIES OF THE NOTICE BY
21 CERTIFIED MAIL (RETURN RECEIPT REQUESTED) TO THE LAST KNOWN
22 OWNER AND TO THE FINDER, IF ANY, AT THEIR RESPECTIVE LAST
23 KNOWN ADDRESSES, IF ANY.]

24
25 B. The notice of possession shall contain the following information

- 26
27 1. date of the notice of possession;
28
29 2. disposition deadline date;
30
31 3. notice of disposable property tracking number for each property item;
32
33 4. general description of each property item;
34
35 5. explanation of procedures for owner and any finder to claim and retrieve
36 property;
37
38 6. provision that the owner or any finder shall be required to sign an
39 indemnity, defend and hold harmless release;
40
41 7. provision that any reimbursement fee shall be required to be paid at the
42 time the property item is retrieved;
43
44 8. provision that any owner or finder shall forfeit to the municipality any and
45 all rights, titles, claims or ownership interests in any disposable property
46 not timely claimed or retrieved; and

- 1
2 9. provision that property forfeited to the municipality shall be disposed of by
3 any means as provided in this chapter and Title 7, with any net proceeds
4 deposited into the Anchorage Metropolitan Police Service Area Fund.
5

6 [EVERY NOTICE OF POSSESSION MAILED OR PUBLISHED PURSUANT TO
7 THIS SECTION SHALL CONTAIN:
8

- 9 1 A GENERAL DESCRIPTION OF THE PROPERTY;
10
11 2. THE DATE THE POLICE DEPARTMENT FIRST OBTAINED
12 POSSESSION OF THE PROPERTY;
13
14 3. THE PROVISION THAT UNCLAIMED PROPERTY WILL BE SOLD AT
15 PUBLIC AUCTION AND THE PROCEEDS WILL BE FORFEITED TO
16 THE POLICE SERVICE AREA FUND;
17
18 4. THE PROVISION THAT UNCLAIMED PROPERTY, IF MONEY, WILL BE
19 PAID INTO THE MUNICIPAL TREASURY FOR DEPOSIT TO THE
20 POLICE SERVICE AREA FUND;
21
22 5. THE PROVISION THAT THE PROPERTY MUST BE CLAIMED BY THE
23 OWNER WITHIN 15 DAYS AFTER THE LAST DATE ON WHICH THE
24 NOTICE IS PUBLISHED; AND
25
26 6. THE PROVISION THAT THE FINDER WILL FORFEIT ALL OF HIS
27 RIGHT, TITLE, INTEREST AND CLAIM IN AND TO FOUND PROPERTY
28 OR MONEY UNCLAIMED BY THE OWNER UNLESS THE FINDER
29 FILES A WRITTEN REQUEST WITH THE CHIEF OF POLICE FOR
30 RETURN OF THE UNCLAIMED PROPERTY WITHIN 15 DAYS OF THE
31 LAST DATE ON WHICH THE NOTICE IS PUBLISHED.]
32

33 (CAC 2.76.020; AO No. 79-203; AO No. 80-97; AO No. 88-79)
34

35 **Section 5:** Anchorage Municipal Code chapter 7.25 is amended by adding a new
36 section 7.25.020 entitled "Notice of disposable property" to read as follows:
37

38 **7.25.020 Notice of disposable property.**
39

- 40 A. The Anchorage Police Department shall prepare a notice of disposable property
41 after an accumulation of disposable property or as deemed necessary. An
42 itemized list of the disposable property contained in each notice shall be
43 forwarded to the Purchasing Officer.
44
45 B. The Purchasing Officer shall publish in a newspaper of general circulation within
46 the municipality for four non-consecutive days each calendar month the
47 locations, including any website addresses, where the public can find the current

1 listing(s) of disposable property as provided for in subsection A.

2
3 C. Each posting of a notice of disposable property shall contain the following
4 information:

- 5
6 1 posted date of the notice of disposable property;
7
8 2 disposition deadline date;
9
10 3. notice of disposable property tracking number for each property item;
11
12 4. general description for each property item;
13
14 5. provision that the owner has a priority claim over any finder regarding
15 found property;
16
17 6. provision that the owner shall contact the Anchorage Police Department
18 before the disposition deadline date to claim the property;
19
20 7. provision that any finder shall submit a letter claiming an interest in a
21 disposable property item to the Chief of Police that is postmarked,
22 electronically dated, or hand-delivered before the disposition deadline
23 date. The letter shall include the finder's name, mailing address, contact
24 phone number during normal business hours, notice of disposable
25 property tracking number, and a brief description of each claimed property
26 item;
27
28 8. provision that the owner or any finder shall contact the Anchorage Police
29 Department and arrange for retrieval of claimed property within 15 days
30 after the disposition deadline date;
31
32 9. provision that the owner or any finder shall be required to sign an
33 indemnity, defend and hold harmless release;
34
35 10. provision that any owner or finder shall forfeit to the municipality any and
36 all rights, titles, claims or ownership interests in any disposable property
37 that is not timely claimed or retrieved; and
38
39 11 provision that any and all disposable property forfeited to the Municipality
40 of Anchorage shall be disposed of by any means provided in this chapter.
41

42 D. The notice requirements in subsection's A. through C. do not apply to disposable
43 property subject to destruction under section 7.25.060 or forfeited by a court or
44 plea bargain agreement.
45
46

Section 6: Anchorage Municipal Code section 7.25.030 is hereby amended to read as follows:

7.25.030 Disposition of disposable property. [DISPOSITION GENERALLY.]

[IF THE PROPERTY IS UNCLAIMED BY THE OWNER AFTER THE PUBLICATION AND MAILING OF THE NOTICE OF POSSESSION AND THE EXPIRATION OF THE TIME PERIODS AS REQUIRED BY SECTION 7.25.020, THE PROPERTY SHALL BE DISPOSED OF AS FOLLOWS:]

- A. Disposable property shall be returned to any owner if claimed and retrieved within the time periods established in 7.25.010 and according to the procedures in sections 7.25.015 and 7.25.020, unless the property is subject to forfeiture, unlawful to possess, subject to destruction, or its release is otherwise prohibited by this chapter or federal, state, or other municipal laws.

[FOUND PROPERTY, INCLUDING MONEY, SHALL BE RETURNED TO THE FINDER, IF ANY, UPON CONDITION THAT A REQUEST FOR SUCH RETURN HAS BEEN RECEIVED BY THE POLICE DEPARTMENT AS PROVIDED IN SECTION 7.25.020.B.6.]

- B. Disposable found property, except bicycles, that is not claimed and retrieved by the owner within the time periods and according to the procedures in sections 7.25.015 and 7.25.020, shall be returned to the finder, unless the property is subject to forfeiture, unlawful to possess, subject to destruction, or its release is otherwise prohibited by this chapter or federal, state, or other municipal laws.

[ALL PROPERTY, OTHER THAN MONEY, WHICH IS NOT ADDRESSED BY SUBSECTION A OF THIS SECTION SHALL BE SUBJECT TO A CLAIM BY THE CHIEF OF POLICE THAT RETENTION OF SUCH PROPERTY FOR USE BY THE MUNICIPALITY WILL SERVE THE PUBLIC INTEREST. IN CONJUNCTION WITH THE PURCHASING OFFICER, WEAPONS SO CLAIMED BY THE CHIEF OF POLICE MAY BE USED FOR TRADING OR BARTERING IN ORDER TO ACQUIRE THEM FOR POLICE USE. IF THE CHIEF OF POLICE DOES NOT MAKE SUCH A CLAIM THE PURCHASING OFFICER SHALL SELL AND NOT DESTROY THE PROPERTY, THAT IS LEGAL FOR PRIVATE OWNERSHIP AND NOT PRECLUDED BY COURT ORDER, AT A PUBLIC AUCTION TO BE HELD PURSUANT TO THE NOTICE REQUIRED BY SECTION 7.25.020. THE PROCEEDS FROM THAT SALE, TOGETHER WITH ANY UNCLAIMED OR UNRETURNED MONEY, SHALL BE FORFEITED TO THE POLICE SERVICE AREA FUND, SUBJECT TO THE FEE PROVISIONS OF SECTION 7.25.050.]

- C. All disposable property in subsection A or B that is not released to the owner or any finder within the time periods and after the notification requirements established by this chapter, and any found bicycles not claimed by the owner, shall be forfeited to the Municipality of Anchorage as unclaimed disposable

property. [THE MUNICIPAL AUDITOR WILL CERTIFY THE PROPERTY DISPOSAL UNDER ALL PROVISIONS OF THIS SECTION.

- D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FINDER OF A MOTOR VEHICLE SHALL HAVE NO RIGHT TO POSSESSION OR ANY OWNERSHIP INTEREST IN THAT PROPERTY EXCEPT AS MAY BE ACQUIRED PURSUANT TO A DISPOSITION METHOD PROVIDED BY THE PURCHASING OFFICER.]

(CAC 2.76.030; AO No.79-203, -1-80; AO No. 88-79)

Section 7: Anchorage Municipal Code chapter 7.25 is amended by adding a new section 7.25.035 entitled "Disposition of unclaimed disposable property" to read as follows:

7.25.035 Disposition of unclaimed disposable property.

- A. The Purchasing Officer shall authorize the disposition of unclaimed disposable property in one of the following manners:
- 1 All unclaimed disposable property, excluding money, collectible items, and property items subject to destruction under section 7.25.060, shall be subject to a claim by the Chief of Police for retention, use, trade or bartering in accordance with the provisions of this chapter.
 2. All unclaimed disposable property, not claimed by the Chief of Police, may be disposed of by the Purchasing Officer through any means, including sale trade or bartering in accordance with this chapter and the provisions of Title 7, or donation to a community based non-profit organization through an agreement or contract, except;
 - a. As otherwise provided for in section 7.25.060;
 - b. Money, which shall be given to the Municipal Treasurer for deposit into the Anchorage Metropolitan Police Service Area Fund;
 - c. Money determined to be a collectible item, may be deposited directly into the Anchorage Metropolitan Police Service Area Fund or disposed of by sale in accordance with the provisions of this section; or
 - d. Firearms, which shall be sold only to federally licensed firearms dealers.
- B. Any unclaimed disposable property claimed by the Chief of Police under the provisions in subsection A.1., and upon approval by the Purchasing Officer, may

be used for:

- 1 Anchorage Police Department use, issue, training, or parts; or
- 2 Any municipal use that serves the public interest; or
- 3 Trade or barter when the unclaimed disposable property is a weapon or firearm, through the Purchasing Officer with a federally licensed firearms dealer or gun manufacturer for the purchase or acquisition of weapons, firearms, police equipment, or firearm related parts or accessories for use by the Anchorage Police Department.

Section 8: Anchorage Municipal Code sections 7.25.040 and 7.25.045 are hereby repealed as follows:

7.25.040 [AUCTION SALE.]

[THE PURCHASING OFFICER SHALL SELL THE PROPERTY TO BE DISPOSED OF UNDER THIS CHAPTER TO THE HIGHEST BIDDER AT THE PUBLIC AUCTION SALE, FOR CASH OR UPON SUCH TERMS AS THE AUCTIONEER SHALL ANNOUNCE. THE AUCTION SALE MAY BE CONTINUED BY THE AUCTIONEER TO ANOTHER TIME. THE PURCHASING OFFICER SHALL CERTIFY AS TO THE DISPOSAL OF PROPERTY AND SHALL EXECUTE THE BILL OF SALE TO THE PROPERTY SOLD. UPON ACCEPTANCE OF THE HIGHEST BID, THE SALE SHALL BE FINAL AND NOT SUBJECT TO REDEMPTION. PROPERTY UNSOLD SHALL BECOME THE PROPERTY OF THE MUNICIPALITY AND MAY BE DISPOSED OF BY THE MUNICIPALITY ACCORDING TO LAW.] (CAC 2.76.040; AO No. 79-203)

7.25.045 [DISPOSITION OF BICYCLES.]

[NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, ANY BICYCLE IN THE POSSESSION OF THE POLICE DEPARTMENT NOT CLAIMED FOR TEN DAYS, AND FOR WHICH THE OWNER IS NOT KNOWN, MAY BE DEDICATED TO PUBLIC USE OR BENEFIT IN THE FOLLOWING MANNER:

- A. THE ASSEMBLY SHALL DECLARE BY RESOLUTION ITS DESIRE TO DEDICATE TO PUBLIC USE OR BENEFIT ABANDONED, STOLEN OR FOUND BICYCLES WHICH HAVE BEEN IN THE POSSESSION OF THE POLICE DEPARTMENT FOR MORE THAN TEN DAYS.
- B. AS SOON AS PRACTICABLE AFTER SUCH DECLARATION, THE PURCHASING OFFICER OR HIS DESIGNEE SHALL PUBLISH FOR TWO CONSECUTIVE WEEKS, TWICE WEEKLY, IN A NEWSPAPER OF GENERAL CIRCULATION, A NOTICE DESCRIBING THE BICYCLES AND STATING THE TIME, PLACE AND MANNER BY WHICH THE BICYCLES MAY BE IDENTIFIED

2 AND CLAIMED BY THE OWNERS. THE NOTICE SHALL INCLUDE A
3 STATEMENT THAT BICYCLES NOT SO IDENTIFIED AND CLAIMED MAY BE
4 DEDICATED IRREVOCABLY TO PUBLIC USE OR BENEFIT, OR SOLD AT
5 AUCTION.

6 C. WITHIN THE FIRST WEEK OF THE TWO-WEEK PUBLICATION PERIOD, THE
7 PURCHASING OFFICER OR HIS DESIGNEE SHALL ALSO ATTEMPT TO
8 NOTIFY BY CERTIFIED LETTER THE OWNERS OF THE BICYCLES
9 PROPOSED FOR DEDICATION WHO CAN BE IDENTIFIED WITH
10 REASONABLE CERTAINTY. THE LETTER SHALL CONTAIN
11 SUBSTANTIALLY THE SAME INFORMATION SPECIFIED IN SUBSECTION B
12 OF THIS SECTION FOR PUBLIC NOTICE.

13
14 D. AT THE END OF THE FIRST WEEK FOLLOWING THE TWO-WEEK PERIOD
15 OF PUBLIC NOTICE, BICYCLES WHICH HAVE NOT BEEN IDENTIFIED AND
16 CLAIMED BY THE OWNERS MAY BE UTILIZED FOR PUBLIC PURPOSES IN
17 ANY MANNER PRESCRIBED BY THE ASSEMBLY BY RESOLUTION, OR MAY
18 BE SOLD IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. IF
19 THE BICYCLES HAVE REMAINED IN THE CUSTODY OF THE POLICE
20 DEPARTMENT, THE SALE SHALL BE CONDUCTED IN ACCORDANCE WITH
21 SECTION 7.25.030. IF POSSESSION OF THE BICYCLES HAS BEEN
22 TENDERED TO A THIRD PARTY PURSUANT TO A CONTRACT, THEN THAT
23 THIRD PARTY SHALL SELL THE BICYCLES AT A PUBLIC AUCTION TO BE
24 CONDUCTED PURSUANT TO A NOTICE WHICH WILL CONTAIN THE
25 FOLLOWING INFORMATION:

26
27 1 A GENERAL DESCRIPTION OF THE BICYCLES.

28
29 2. THE DATE ON WHICH THE POLICE DEPARTMENT OBTAINED
30 POSSESSION OF THE BICYCLES.

31
32 3. THAT UNCLAIMED BICYCLES WILL BE SOLD AT PUBLIC AUCTION OR
33 DEDICATED TO PUBLIC USE OR BENEFIT AND THE PROCEEDS
34 FORFEITED TO THE POLICE SERVICE AREA FUND OR OTHERWISE
35 USED FOR THE PUBLIC BENEFIT.

36
37 4. THAT THE OWNERS MUST CLAIM THE BICYCLES WITHIN 30 DAYS
38 AFTER THE LAST DATE OF PUBLICATION OF THE NOTICE.]

39
40 (AO No. 77-210; AO No. 79-203; AO No. 81-118; AO No. 88-79)

41
42 **Section 9:** That Anchorage Municipal Code Section 7.25.050 is hereby amended to
43 read as follows:

44
45 **7.25.050 Reimbursement of fees [NOTIFICATION AND SALE COSTS FEES.]**

46
47 **A. At the time disposable property is being retrieved by any owner or finder, and**

1 before shipping any disposable property, the Chief of Police shall require a
2 reimbursement fee pursuant to subsection B. from the person receiving the
3 disposable property.

4
5 B. A reimbursement fee may include costs of any notice, publication, storage,
6 postage, shipping, any other cost or handling expense related to a disposable
7 property item.

8
9 C. The Chief of Police may waive a reimbursement fee for good cause.

10
11 D. Any collected reimbursement fee shall be deposited into the Anchorage
12 Metropolitan Police Service Area Fund.

13
14 [BEFORE RETURNING PROPERTY TO A FINDER OR OWNER, AND BEFORE
15 DELIVERING MONEY TO THE TREASURY, THE CHIEF OF POLICE SHALL
16 REQUIRE A REASONABLE FEE FROM THE PERSON RECEIVING THE
17 PROPERTY OR MONEY DELIVERED FOR THE COSTS OF NOTICE,
18 PUBLICATION AND SALE ATTRIBUTABLE TO THE PROPERTY OR MONEY
19 DELIVERED. THE PROCEEDS FROM THAT FEE SHALL BE DEPOSITED INTO
20 THE POLICE SERVICE AREA FUND. THE CHIEF MAY WAIVE THIS
21 REQUIREMENT FOR A GOOD CAUSE.]

22
23 (CAC 2.76.050; AO No. 79-203; AO No. 88-79)

24
25 **Section 10:** Anchorage Municipal Code Section 7.25.060 is hereby amended to read
26 as follows:

27
28 **7.25.060 Disposition of destructible property. [DISPOSITION OF**
29 **DANGEROUS OR PERISHABLE PROPERTY.]**

30
31 A. The following types of disposable property may be destroyed by any lawful
32 means in accordance with the provisions of this chapter:

- 33
34 1. property acquired under subsection 7.25.010B.;
35
36 2. property ordered to be destroyed by a court or pursuant to a plea bargain
37 agreement;
38
39 3. property, including money, determined by the Anchorage Police Department
40 to be contaminated, a biohazard, or health hazard;
41
42 4. ammunition, contraband or unclaimed personal property;
43
44 5. property determined by the Anchorage Police Department to be
45 unserviceable, junk, or waste, has insubstantial fair market value, or does
46 not sell at an auction; and
47

6. prescription or over-the-counter medication, except that the Chief of Police may authorize the return of a prescription when there is no evidence of contamination or product tampering and the owner can provide evidence of a valid medical need.

B. Notwithstanding other provisions of this chapter, firearms or weapons may be destroyed or rendered incapable of use, and then permanently disposed of by any lawful means, when a police department armorer or a United States Department of Treasury Official, inspects, examines or otherwise determines:

1. there is a violation of municipal, state, or federal law, including the Federal Firearms Act, which makes the weapon or firearm not legal for private ownership or possession; or
2. the weapon or firearm is unsafe, a biohazard, or presents an immediate or inherent danger to the public.

C. Notwithstanding section 7.25.070, any property that comes into the possession of the Anchorage Police Department that is determined to be dangerous or perishable may be immediately disposed of by any lawful means.

[PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT AND DETERMINED BY THE CHIEF OF POLICE TO BE PERISHABLE OR TO CONSTITUTE AN IMMEDIATE DANGER TO THE PUBLIC MAY BE DISPOSED OF IMMEDIATELY IN ANY MANNER WITHOUT NOTICE OF SALE. PROCEEDS OF ANY SUCH DISPOSITION SHALL BE SUBJECT TO THIS CHAPTER.]

(CAC 2.76.060; AO No. 79-203)

Section 11: Anchorage Municipal Code chapter 7.25 is amended by adding a new section 7.25.070 entitled "Certification of disposition of unclaimed disposable property" to read as follows:

7.25.070 Certification of disposition of disposable property.

A. The Municipal Internal Auditor shall certify the proper disposition of disposable property under this chapter anytime:

- 1 Disposable property in the form of money is destroyed or forfeited to the Municipality of Anchorage.
- 2 Disposable property is released to a vendor or a third party contractor for the purposes of barter, sale, trade or donation.
- 3 Disposable property in the form of drugs or firearms are destroyed.

Section 12: This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly on this 17th day of December, 2002.


Chair

ATTEST:


Municipal Clerk

G:\MAT\OPEN MATTERS\APD - Property Disposat Prop\10-8-02 version.DOC

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2002-
 Title: An Ordinance of the Anchorage Municipal Assembly Amending Anchorage Municipal Code Chapter 7.25 and Amending the Title from "Abandoned, Stolen or Lost Property" to "Disposition of Disposable Property"
 Sponsor: Chair of the Assembly at the Request of the Mayor
 Preparing Agency: Anchorage Police Department
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

	FY02	FY03	FY04	FY05	FY06
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services	\$ 0	(\$ 32,000)	(\$ 32,000)	(\$ 32,000)	(\$ 32,000)
4000 Debt Service					
5000 Capital Outlay					
TOTAL DIRECT COSTS:	\$ 0	(\$ 32,000)	(\$ 32,000)	(\$ 32,000)	(\$ 32,000)
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:					
REVENUES:	\$ 0	(\$ 750)	(\$ 750)	(\$ 750)	(\$ 750)

CAPITAL:

POSITIONS: FT/PT and Temp.

PUBLIC SECTOR ECONOMIC EFFECTS:

Recommended repeals and revisions to AMC 7.25 are intended to: 1) eliminate inconsistencies in the current code regarding evidence retention periods required by State statutes 2) improve notification to incarcerated property owners of pending disposal reducing potential risk management claims 3) increase public access to itemized lists of disposable property 4) significantly reduce the increasing annual advertising costs associated with public notification requirements from the approximately \$36,000 cost of advertising an average of 150 items four times a month, twelve months a year, to \$4,000 or less and 5) include previously excluded municipal expenses for certified mail, shipping, packaging or related handling expenses as part of any reimbursement fee.

A recurring notice published four non-consecutive dates each calendar month would reduce advertising costs and advise the public and owners of lost or recovered stolen property where itemized lists of disposable property, entitled Notice of Disposable Property, can be found, including a municipal website address. The municipally owned webpage would be monitored by the Anchorage Police Department and not incur any additional funding requirements.

The projected cost savings to the municipality reflected for each subsequent year are based on historical data for advertising approximately 150 items each month during a calendar year at the current average monthly cost of \$ 20 per item in a public notice. Section 7.25.020 currently requires public notices be published two consecutive days for two consecutive weeks. Potential savings using the proposed revised public notice methods from the year 2003 through the year 2006 are estimated at \$128,000.

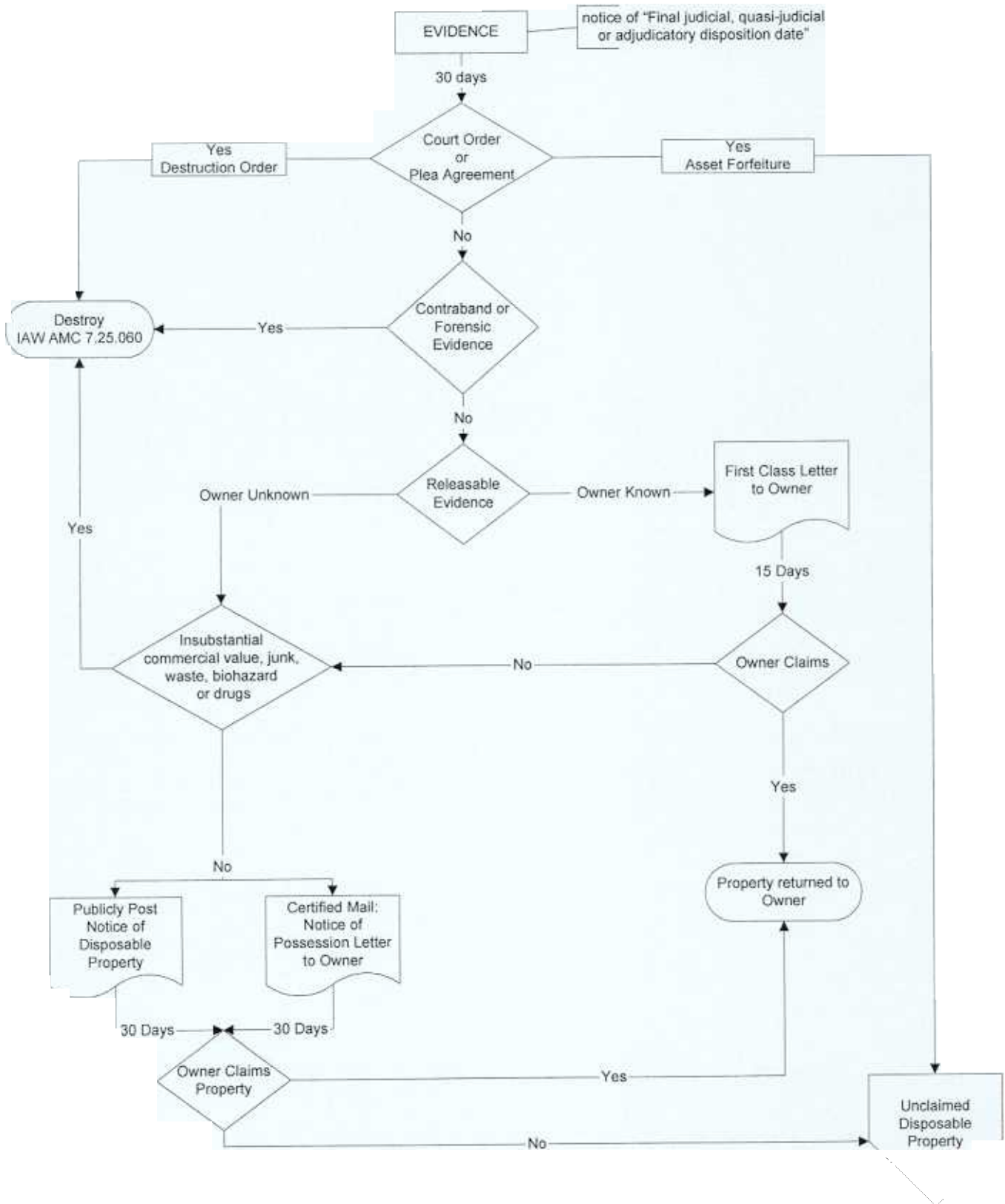
PRIVATE SECTOR ECONOMIC EFFECTS

Historical data of the police department from the calendar years 2000 and 2001 reflect an average of 50 property items were released, at an average reimbursement fee of \$ 20 per item, to owners of property or finders of found non-evidentiary property after responding to a certified letter. Under the proposed ordinance revision owners and finders who receive a certified letter would realize a cost reduction in the reimbursement fee from \$ 20 to \$ 5 plus any shipping related charges at the time property is claimed.

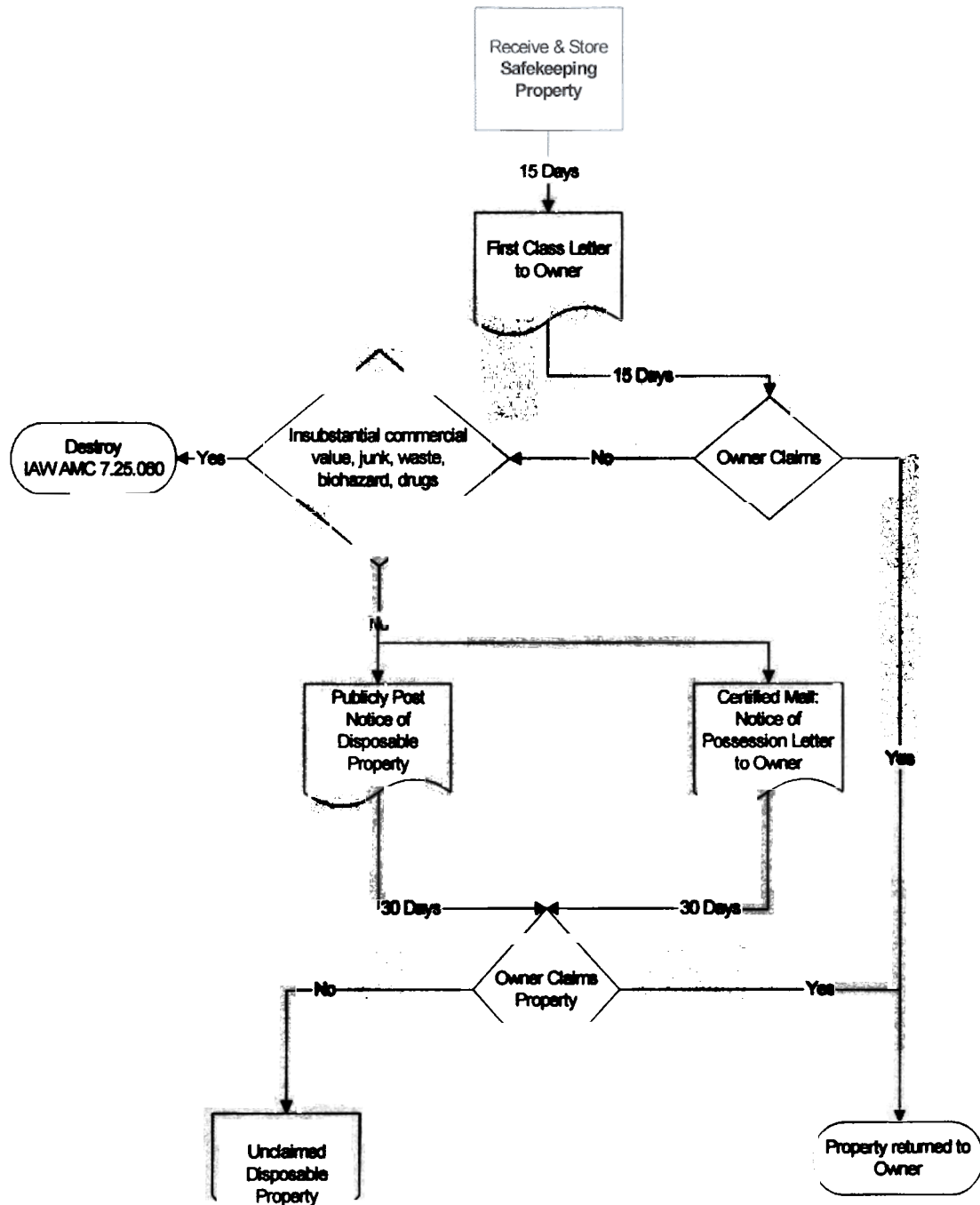
The proposed revisions would also provide increased public access to itemized lists of lost and found, abandoned and other disposable property in the possession of the Anchorage Police Department through Internet links and printed copies available for review during normal business hours in the lobby of the Municipal Clerk's Office and the main police headquarters.

Internet access to the Notice of Disposable Property would increase the number of people who could search the list for lost and found or recovered stolen property. World travelers, tourists, out of town visitors, and local residents, who may have lost property, or have been the victim of a crime involving property loss, would have an increased capability (twenty-four hours / seven days a week) to view itemized lists and potentially recover personal items lost or stolen that are listed as unclaimed disposable property, prior to any scheduled disposal date or public auction.

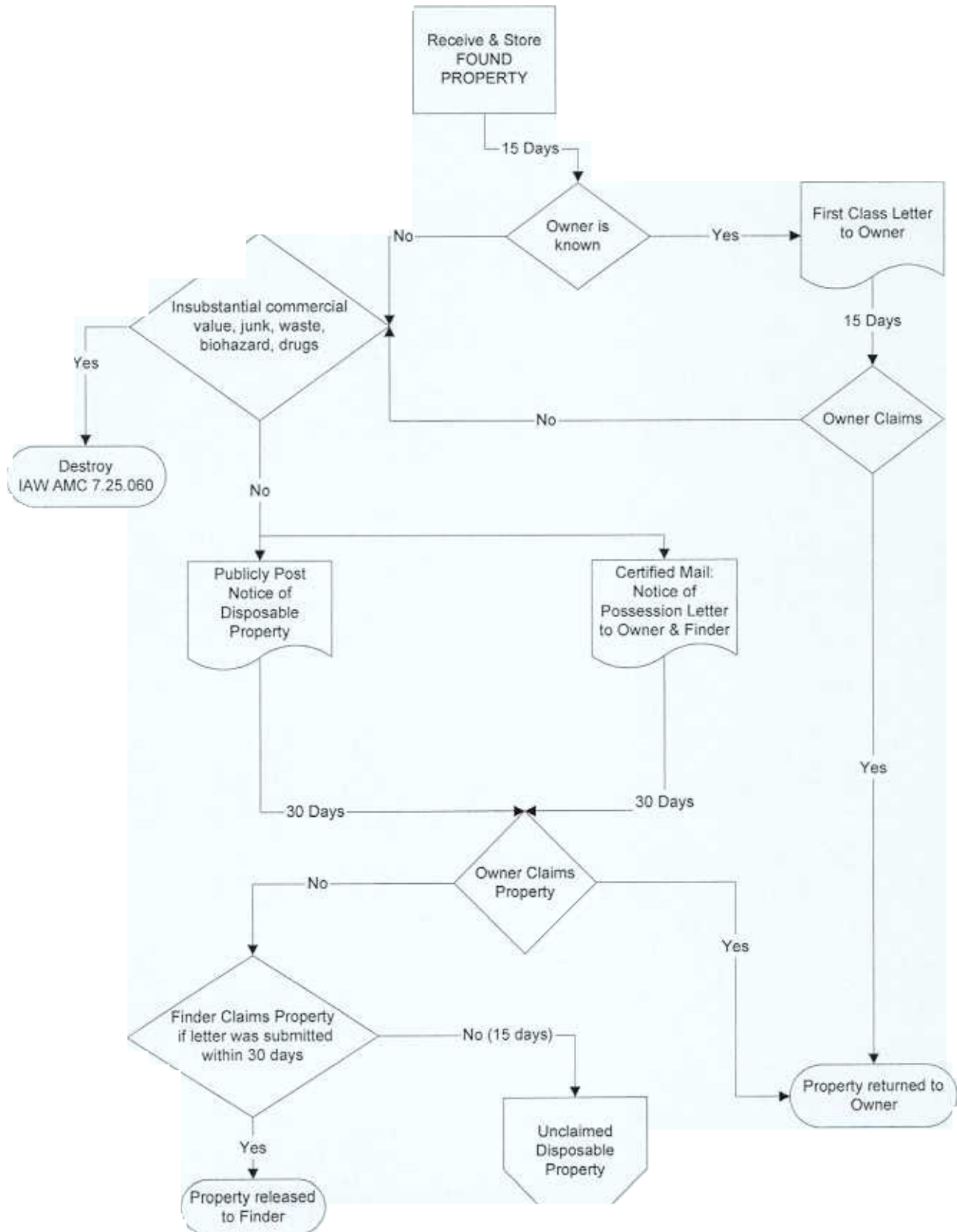
AMC 7.25.010(A)(1) EVIDENCE



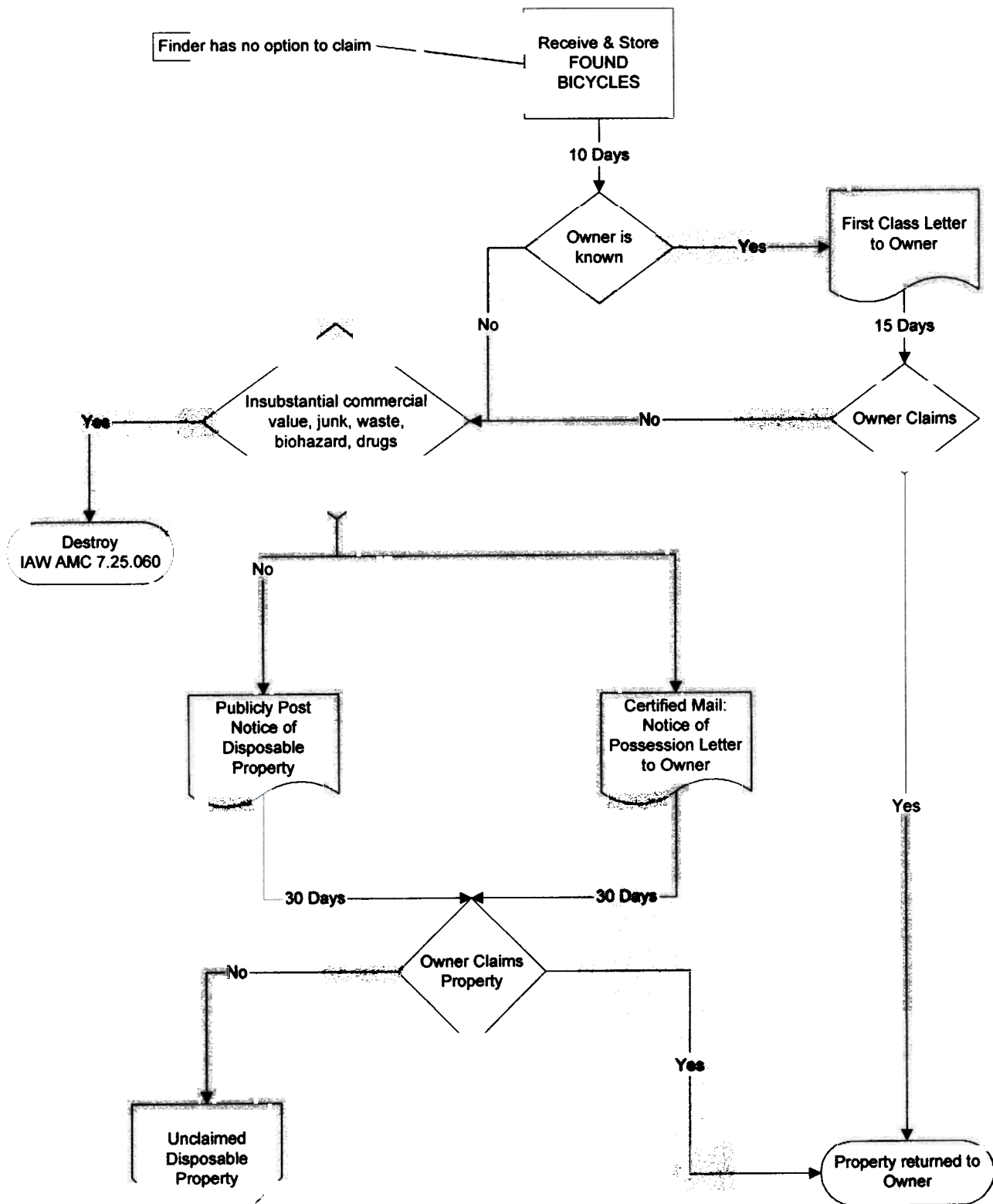
AMC 7.25.010(A) (2) SAFEKEEPING PROPERTY



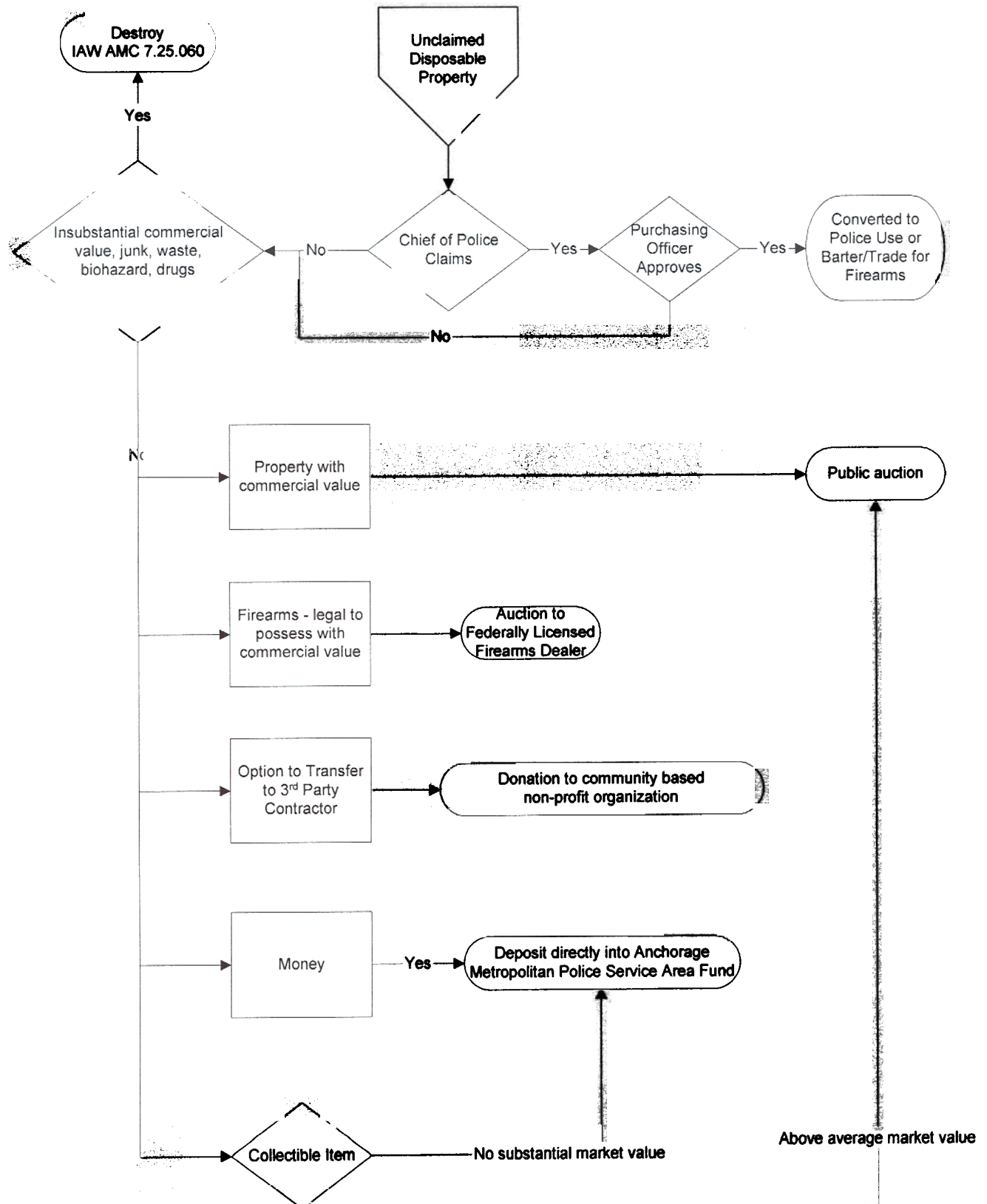
AMC 7.25.010(A) (3) FOUND PROPERTY



AMC 7.25.010(A)(4) FOUND BICYCLES



AMC 7.25.035 UNCLAIMED DISPOSABLE PROPERTY





MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 984 -2002

Meeting Date: November 26, 2002

From: Mayor

Subject: Ordinance No 2002- 171, Amendments to Anchorage Municipal Code
Chapter 7.25 entitled Disposition of Disposable Property.

The Anchorage Police Department is requesting the Anchorage Municipal Assembly to rename Anchorage Municipal Code 7.25 titled Abandoned, Stolen or Lost Property to Disposition of Disposable Property and approve included amendments as proposed.

The requested ordinance revision is intended to:

- provide for implementation of a cost-effective alternative to the current costly advertising process through use of the Municipally owned website, which is intended to:
 - significantly increase public awareness and access to itemized lists of lost, abandoned and other disposable property.
 - reduce impact to the police operating budget by decreasing public notice advertising costs.
 - reduce the amount of reimbursement fees required to be paid upon claiming property.
- comply with State statutory requirements of imposing a thirty-day retention period for property with evidentiary value after final disposition in the case to which the evidence pertains.
- clarify definitions and disposal options, which are intended to eliminate inconsistencies with application of this chapter.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ORDINANCE
AMENDING ANCHORAGE MUNICIPAL CODE 7.25.

Prepared by: Greg A. Stewart, Supervisor, Property and Evidence

Concur: Walt Monegan, Chief of Police

Concur: Harry J. Kielsing, Jr., Municipal Manager

Respectfully submitted: George P. Wuerch, Mayor



Information Technology Department

Back Home | Library | Search | Help

- Home
- Library
- Search

Go

User Profile

- Portal Design
- Subscriptions for cabanh
- Workflow In Queue for cabanh

Content Manager

New Check In

Ordinance ☐ Go

- Checked Out Content
- Content Checked Out By User
- Work In Progress
- Active Workflows

Work Flow History Report

Ad 2002 71

Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	10/30/02 11:27 AM	Checkin	bmarcov	Public	000340
APD_SubWorkflow	11/4/02 4:29 PM	Approve	wmonegan	Public	000340
AllOrdinanceWorkflow	11/6/02 4:26 PM	Reject	mauldinbr	Public	000340
AllOrdinanceWorkflow	11/6/02 4:47 PM	Checkin	bmarcov	Public	000340
APD_SubWorkflow	11/6/02 5:24 PM	Approve	wmonegan	Public	000340
Purchasing_SubWorkflow	11/7/02 1:22 PM	Approve	mauldinbr	Public	000340
Finance_SubWorkflow	11/13/02 2:29 PM	Approve	giardkh	Public	000340
OMB_SubWorkflow	11/13/02 4:19 PM	Approve	foutzrs	Public	000340
Legal_SubWorkflow	11/14/02 8:26 AM	Approve	wheelerda	Public	000340
MuniManager_SubWorkflow	11/14/02 9:07 AM	Checkin	bealejl	Public	000340
MuniManager_SubWorkflow	11/14/02 9:11 AM	Checkin	bealejl	Public	000340
MuniManager_SubWorkflow	11/18/02 11:17 AM	Approve	campbelice	Public	000340
MuniMgrCoord_SubWorkflow	11/18/02 4:00 PM	Approve	bealejl	Public	000340

INTRODUCTION

02:21 PM 11/19/2002