

**CITY OF SANTA CLARA  
PROCEDURES AND GUIDELINES FOR  
COLLECTION AND DISPOSAL OF ITEMS STORED ON PUBLIC PROPERTY**

**1. Identification of Site**

- Determine that a location is City property requiring cleanup to preserve the public peace, health and safety, or to avoid personal injury or property damage
- Some factors to consider in making this determination:
  - The site blocks a public right of way
  - The site contains an accumulation of debris or waste
  - The feasibility of conducting abatement activities (geography of the site, jurisdictional concerns, etc.)
  - Health concerns associated with the site
  - Fire or other environmental concerns associated with the site
  - The site is in an area frequented by the public
  - City has received complaints from the public about the site

**2. Initial Outreach/Contact**

- Prior to posting (described further below), and if reasonably possible, PD to contact individuals present at the location regarding the following:
  - Advise of community, health, environmental concerns associated with storage and encampments
  - Advise of the City's intent to conduct cleanup activities at that location, and explain the process used (provide expected date, if known)
  - Coordinate with, or provide information related to, agencies or other organizations that may provide supportive services such as medical services, shelter options, or housing assistance
  - Encourage individuals present to remove their property and provide free bags for their use
  - Document location, date of visit, description of conditions, number of individuals present, information provided, and any other pertinent information

**3. Cleanup Notice Posting**

- DPW and PD to coordinate with City's vendor to determine the appropriate date and time for the anticipated cleanup activity
- Prepare notice (template attached)
- Post notices at various locations denoting the approximate exterior perimeter of the site and place a copy at/on each tent, structure or other evidence of encampment. The aim is to place the notices in locations and in quantities sufficient to reasonably ensure visibility.
- If individuals are present, verbally inform them as well
- Photograph the placement of the notices
- Notices must be posted no less than 72 hours, and not more than five days, prior to the expected cleanup date

#### **4. 24 Hours Prior to Cleanup**

- Check weather forecast for date of cleanup, through National Weather Service
- If inclement weather is predicted (extreme cold or heat, greater than 50% chance of rain, etc.), then cancel the cleanup
- As soon as reasonably possible, take down notices of the cleanup and verbally advise any individuals present at the site that the cleanup is cancelled
- Offer supportive services to those individuals, as they may be affected by the inclement weather conditions
- Reschedule the cleanup for another date/time, and re-notice it

#### **5. Conduct Cleanup**

- PD should provide an officer present at the site for the first hour of the cleanup (or until such time as all individuals present at the site have vacated it) and, depending upon the expected length of the activity, remain on-call
- DPW should assign a staff person to supervise the Contractor's activities
- Upon first arrival, if individuals are present at the site, verbally inform them of the posted cleanup and give them 30 minutes (or other reasonable period of time) to gather their belongings and vacate the site.
- If an individual is disabled, provide assistance and additional time
- If the individuals present are willing to voluntarily provide their names, it is a good idea to keep that information so that returning stored items later is more efficient
- Conduct a site check to make sure that no individuals remain on site
- Photograph each tent, structure or other evidence of an encampment, and surrounding area
- Identify any special issues with City's contractor
- Tents, structures, and other evidence of encampment in the abatement area should be dismantled and removed in as complete a form as is reasonably possible, and should be stored for later retrieval (storage procedures described below), unless the items fall within one of the categories listed below for disposal
- Personal property should be bagged, tagged and stored at identified retrieval location
- If there is any uncertainty regarding whether an item should be thrown away or stored, it should be stored
- Guidelines for identifying storable personal property:
  - Unless an item is trash or poses a threat to health or safety it should be retained for storage as potential personal property.
  - Items that are arranged in a manner that suggests ownership (e.g.: items that are neatly folded or stacked, stored off the ground, hung or clearly on display or packed in bag or box) should be retained for storage
  - Prescription medication and similar usable medical items (that appear to be safe to handle) are not waste and should be stored or given to the individual.
  - Examples of personal property of apparent value that should be stored may include clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks/bags, bicycles, tools, watches/jewelry, electronics,

toiletries, eyeglasses, purses, personal papers/identification documents, photographs, books and baby strollers

- Guidelines for identifying refuse (trash):
  - Dirty or Soiled: items that smell of bodily waste or other contaminants or other hazardous materials, are stained with urine or other bodily waste, or are infested with fleas, bed bugs, rats or other vectors
  - Perishable: open food or personal products that will spoil or rot in storage
  - Contaminated: items used for hygiene or that present a risk of biohazard (i.e. sharps or other medical/pharmaceutical materials, used toothbrushes, hairbrushes, washcloths, bandages, sponges, and underwear)
  - Hazardous or Explosive: items that could corrode or burn in storage (i.e. car batteries, gasoline tanks, and propane tanks)
  - Broken or Disassembled: items that are broken, damaged, or stripped of parts and have no apparent utility in their present condition (i.e. electronics stripped for copper, bike parts, flat tires, torn up clothes)
  - Weapons: weapons, drugs or other contraband will be given to the PD
  - Obvious Trash: Food/beverage wrappers, tissue/paper napkins, etc.
- Document and photograph property to be disposed of as trash. If possible, note amount (weight, etc.) disposed or other relevant details (hazardous, illegal, etc.).
- Claims on property during the cleanup: If individuals are present and request immediate return of key personal effects (such as ID, medications, etc.), be reasonable. Individuals should not be allowed to interfere with the cleanup, but you may return these types of basic or critical personal items. Document (by photo and inventory) any such items returned to an individual on-site
- Conduct the landscaping or other activities necessary at the site
- The work shall be completed between Monday-Friday, and during normal business hours
- Once the site is safe for individuals to return to it, post and photograph a notice stating the retrieval storage location. (See attached template.) Provide copies to anyone present and advise community services groups, as applicable.

## **6. Storage and Retrieval**

- Photograph and inventory the personal property that will be placed in storage  
Personal items that are not contaminated, illegal, hazardous, etc., will be stored and labeled with the date collected, location of the encampment, and name(s) of the personal property owner (if known)
- The storage location should be secure and reasonably protected from the elements
- Guidelines for return of property:
  - The storage location will be posted on the notices
  - Individuals may call ahead to inquire as to whether an item is in storage, or they may appear in person with no prior warning
  - When an individual inquires or arrives at the storage location to retrieve items, ask the individual to describe his/her item(s), and to provide the date and location of removal.

- Review inventory list to locate the item. If it is not on the inventory list, review disposed items list to determine if it was disposed of.
- If the item cannot be located on either the inventory or disposal lists, then it may be necessary to allow the individual to search through the stored items. If necessary, contact PD for an officer to be present.
- When belongings are identified, complete inventory with date property was returned and owner information
- If an individual cannot locate his/her items, and disputes the City's disposal of it, you may direct the individual to file a claim with the City Clerk's Office
- It is understood and expected that many stored items will not contain identifying information; therefore, if a claimant arrives and reasonably describes an item to be retrieved (and that item has no ownership identifier on it), then the item can be released to the claimant. To a certain extent, the process operates on the "honor system."

#### **7. Disposal After Storage Period**

- Items will be stored for 90 days after the cleanup date
- If property is unclaimed after 90 days, the City may dispose of it as unclaimed surplus property in accordance with the City Code (SCCC 2.105.350)

*\*\*If the City's vendor is in possession of the photographs, notices, logs, etc., then copies of all those documents must be provided to City at the conclusion of the 90-day storage period. City's record retention period for all documents related to the cleanup is a minimum of 3 years\*\**

# ATTENTION!

## NOTICE OF PLANNED CLEAN-UP AND ORDER TO VACATE CITY PROPERTY

### PLEASE TAKE NOTICE:

The City of Santa Clara will be performing a cleanup of **[LOCATION]** on **[DATE]** from **[START TIME]** to **[END TIME]**. The cleanup work is expected to last for **[NUMBER OF HOURS OR DAYS]**.

Pursuant to Santa Clara City Code Section 9.30.020, the City has determined that this cleanup activity is necessary for the protection or preservation of the public peace, health and safety, or to avoid personal injury or property damage. Any individuals residing at, or storing personal property on, this location, are hereby **ORDERED TO VACATE THE SITE** prior to the date listed above.

Any personal property not removed by its owner may be classified as refuse and thrown away. Personal property not classified as refuse shall be stored for ninety (90) days.

Individuals wishing to reclaim personal property collected by the City as part of the clean-up project may do so by contacting **[NAME & TITLE]** at **[PHONE NUMBER]** or **[ADDRESS]** between the hours of 9:00am to 5:00pm. After ninety (90) days, any unclaimed property will be disposed of.

# NOTICE OF RECOVERED PROPERTY

## **PLEASE TAKE NOTICE:**

On [date], the City of Santa Clara conducted a clean-up of [LOCATION]. Items deemed to be refuse were disposed of. Certain items of personal property not deemed refuse were collected and are being stored pending retrieval by the rightful owners.

**Individuals wishing to reclaim personal property collected by the City as part of the clean-up project may do so by contacting**

**[ person and title ]  
[ address ]  
phone number ]**

**Personal property collected by the City will be stored, without charge, for ninety (90) days following [ date of clean-up ]. After ninety (90) days, any unclaimed property will be disposed of.**

# INVENTORY SAMPLE

Location:

DPW Project Manager:

Date Noticed:

Date Clean Up Started/Completed:

End of 90-Day Storage:

| <b>Bag<br/>or<br/>Box<br/>#</b> | <b>Specific<br/>Location</b><br><small>(if applicable)</small> | <b>Item<br/>Description</b><br><small>(and/or cross reference to clean up<br/>photo inventory)</small> | <b>Owner<br/>Info.</b><br><small>(if applicable,<br/>include as much<br/>detail as<br/>possible)</small> | <b>Claimed<br/>Date</b><br><small>(if applicable)</small> | <b>Claimant<br/>Signature</b><br><small>(if applicable)</small> | <b>Date of<br/>Disposal</b><br><small>(if applicable;<br/>retain all<br/>documentation)</small> |
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