

ORDINANCE NO. 1544

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, RELATING TO THE DISPOSITION OF UNCLAIMED PROPERTY IN POSSESSION OF THE POLICE DEPARTMENT.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Whenever the Chief of Police of the City of Milwaukie has any property, including money, in his possession, the ownership of which is unknown, and which is unclaimed for a period of three months (90 days) after the said property came into the possession of the Police Department, the Chief of Police shall, unless the disposition of such property is otherwise specifically provided for by law, report the fact to the City Manager and request authority to dispose of it as provided in this ordinance.

Section 2. The City Manager shall act upon the request of the Chief of Police within 30 days after the receipt of the request. If the request is to have the property disposed of by public sale and if the City Manager approves the request, the City Recorder shall cause notice to be published in a newspaper of general circulation within the City of Milwaukie at least 10 days prior to the date of sale or transfer. The notice shall describe the property, excluding money, and shall state the time and place of public sale, at which the property may be purchased by the highest bidder. Until the date of the sale, the property, excluding money, may be claimed at the office of the Chief of Police. If ownership is proved, the Chief of Police shall turn the property over to the owner, and cancel the sale insofar as the claimed property is concerned.

Section 3. The Chief of Police shall cause the sale to be conducted and shall deposit the proceeds thereof, together with any other money included in the notice, in the City Treasury to the credit of the City General Fund.

Section 4. In lieu of a sale of the property under the foregoing provisions of this ordinance, the Chief of Police, with the approval of the City Manager, may transfer any portion of the unclaimed property to the city for use by the city or other governmental agencies, or provide for destruction of the property.

Section 5. Persons finding property may present it to the Police Department for safekeeping. The city shall hold such property for a period of not less than six months.

Section 6. Persons presenting found property to the Police Department shall advise the department if they intend to claim the property at a later date.

Section 7. The Police Department shall release property to its rightful owner upon a showing of satisfactory proof of ownership.

Section 8. The Police Department shall send a notice to the finder of property after the six months waiting period advising that the property may be claimed within 30 days of such notice. If after 30 days the property is unclaimed, it shall be disposed of as provided in Sections 3 or 4.

Section 9. The Chief of Police shall cause contraband or illegal drugs or other substances to be destroyed at the direction of the court after such property has been provided to the courts as evidence and is no longer required. Any unclaimed or found contraband, illegal drugs or other substances shall be destroyed at the direction of the Chief of Police and certification of destruction shall be placed in the case file jacket related to such found or unclaimed property.

Section 10. If the property is sold as provided herein and if within six (6) months after the sale, the owner of the property, including money, files with the City Manager a claim for the property, and proves his right to the same, the City Manager shall direct that the money or the amount received for the property, less expenses of the sale, shall be paid to the owner from the City Treasury. The City Manager shall not approve any claims filed more than six months after the sale. If the property is transferred to the city, or other governmental agency, in lieu of sale, it may be claimed by the lawful owner thereof at any time within six months from the transfer to the city, or other governmental agency. The Chief of Police in disposing of property in the manner provided herein shall not be liable to the owner thereof.

Section 11. Ordinance No. 1340 is repealed.

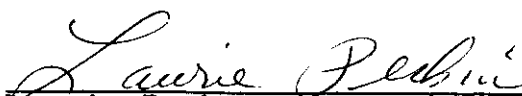
Read the first time on July 5, 1983, and moved to second reading by majority vote of the City Council.

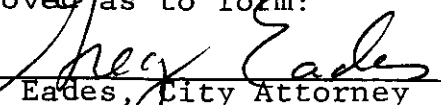
Read the second time and adopted by the City Council on July 19, 1983.

Signed by the Mayor on July 19, 1983.


Joy Burgess, Mayor

ATTEST:


Laurie Perkin, City Recorder
Approved as to form:


Greg Eades, City Attorney