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ORDINANCE NO. 1340

AN ORDINANCE 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 to be posted written or printed notice of sale in three (3) public places within the City of Milwaukie at least ten (10) days before the sale. Notice shall also 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 by destruction after the same notice as set forth in Section 2 of this ordinance.

SECTION 5. The Chief of Police shall cause contraband or illegal drugs and/or 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 by the procedure at the Courts. Any unclaimed or found contraband, illegal drugs and/or substances shall be destroyed at the direction of the Chief of Police and certification of destruction shall be placed in the case file jacket relating to such found or unclaimed property.

SECTION 6. 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.

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ORDINANCE NO. \_\_\_\_\_ (cont'd)

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 7. Ordinance No. 1236, Ordinance No. 1263, and all other ordinances and parts of ordinances in the City of Milwaukie, Oregon, in conflict with the provisions of this ordinance are hereby repealed.

Read the first time this 17<sup>th</sup> day of May 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 7<sup>th</sup> day of June 1976.

Signed by the Mayor this 7<sup>th</sup> day of June 1976.

Bill E. Hupp  
Bill E. Hupp, Mayor

Attest:

Dorothy E. Farrell  
Dorothy Farrell, Recorder

APPROVED AS TO FORM:

Myer Avedovech  
MYER AVEDOVECH, CITY ATTORNEY