

ORDINANCE NO. 2066

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RESCINDING CHAPTER 10.050.030 OF THE MILWAUKIE MUNICIPAL CODE RELATING TO THE INVENTORY OF VEHICLES.

WHEREAS, the City adopted Ordinance 1811 in 1996 to adopt an inventory policy to address the concerns identified above; and

WHEREAS, changes in law since 1996 require the City to revise its vehicle inventory policy; and

WHEREAS, Milwaukie Municipal Code Chapter 10.050.030 states;

A. The contents of all vehicles impounded by a Police Officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:

1. If there is a reasonable suspicion to believe that the safety of either the Police Officer(s) or any other person is at risk, a required inventory will be done as soon as safety practical; or

2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

B. The purpose for the inventory of an impounded vehicle will be to:

1. Promptly identify property to establish accountability and avoid spurious claims to property;

2. Assist in the prevention of theft of property;

3. Locate toxic, flammable, or explosive substances; or

4. Reduce the danger to persons and property.

C. Inventories of impounded vehicles will be conducted according to the following procedures:

1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked cartop containers; and

b. Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks, and locked cartop containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

3. Closed containers located either within the vehicle or any of the vehicle's compartments will have its contents inventoried only when the closed container is designed for carrying money and/or valuables. Such containers include but are not limited to: closed purses, closed coin purses, closed wallets, closed backpacks, closed briefcases, and closed fanny packs.

4. Upon completion of the inventory, the Police Officer will complete a report as directed by the Police Chief.

5. Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in such a manner as directed by the Police Chief. (Ord. 1925 § 10, 2003; Ord. 1811 § 1 (part), 1996) ;and

WHEREAS, changes in law since 1996 require the City to revise its vehicle inventory policy; and

WHEREAS, the Chief of Police would be able to keep the vehicle inventory policy current with case law in the Milwaukie Police Policy Manual; and

WHEREAS, the Chief of Police recommends Milwaukie Municipal Code 10.050.030 be rescinded.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

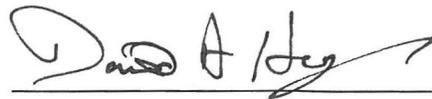
Section 1. Section 10.050.030 of the Milwaukie Municipal Code is hereby rescinded; and

Section 2. This ordinance shall take effect immediately.

Read the first time on April 16, 2013, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on 5/7/13.

Signed by the Mayor on 5/7/13



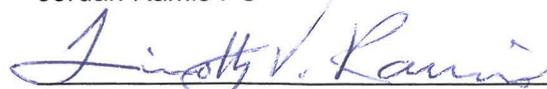
Dave Hedges, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney