

ORDINANCE NO. 500

AN ORDINANCE PROVIDING FOR THE DISPOSITION OF PERSONAL PROPERTY ABANDONED IN THE CITY OF CANBY AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Definitions as used in this Ordinance unless the context requires otherwise:

(a) "Abandoned" shall mean any personal property which has been left upon any street, alley, park, sidewalk or other real property owned by the City of Canby in the City of Canby without the owner or person having possession of said personal property having ~~first~~ obtained the permission of the City Police Department to leave such personal property in such place; or where such personal property shall have been left in any of said places in the City of Canby with the permission of the City Police Department but the owner or person entitled to possession thereof has refused to move said personal property after having been given ten (10) days* notice by the City Police Department to remove the same.

(b) "Personal property" shall mean any movable property or chattels except a vehicle as defined by Ordinance No. 410.

(c) "City" shall mean the City of Canby, Oregon.

(d) "Costs" shall mean the expense of removing, storing or selling abandoned personal property.

(e) "Owner" shall mean any individual, firm or corporation, or unincorporated association, with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in the personal property.

Section 2: If any personal property shall come into the possession of the City Police Department by reason of arrest, confiscation or in any other manner, and the owner thereof is not then known, such personal property shall be considered "abandoned" property as defined by this Ordinance and disposed of as provided in this Ordinance.

Section 3: It shall be the duty of the Canby City Police Department to take possession of all abandoned property which comes to the knowledge of the City Police Department, and safely keep the same in some suitable storage place to be designated by the Police Department pending investigation concerning the ownership of said property.

Section 4: If any personal property shall be abandoned within the City of Canby for more than fifteen (15) days, it shall be the duty of the Chief of Police to use all reasonable means to ascertain the owner of said property and to notify said owner in writing as follows:

- (a) A brief description of the personal property abandoned, including any Serial numbers or other numbers identifying said property;
- (b) The location where such personal property was found abandoned;
- (c) The storage place of such personal property;
- (d) That the City of Canby will, after ten (10) days from the date of the mailing of said notice, proceed to sell said personal property for cash to the highest and best bidder, and from the proceeds of the sale retain a sum sufficient to pay the costs of such sale.

Section 5: If the owner of any such abandoned property cannot be found after due diligence, or if the owner of such property so notified shall fail to claim and remove said property within ten (10) days from the date of such notice, the Chief of Police shall cause to be published in the Canby Herald, a Notice which shall contain a brief description of the personal property involved, the location where such personal property was found abandoned in the City of Canby, the name of the owner thereof if known, and the time, day and place where said personal property will be sold for cash to the highest bidder. The said Notice shall be published two times, and first publication shall be made not less than ten (10) days preceding the date of the sale.

Section 6: If the owner of said abandoned property shall apply to the City Chief of Police for the return of said property before the date of sale and shall submit satisfactory evidence of his title thereto and shall tender the City's costs, the Chief of Police upon being satisfied that the claim of ownership is rightful shall surrender said property to the claimant.

Section 7: If no claim shall have been made to said abandoned property before the time set for sale thereof, the sale shall be held at the time and place appointed therefor and within view of said personal property. The Chief of Police, or such agent as he shall appoint, shall conduct said sale, and said personal property shall be sold to the highest and best bidder for cash, and the City of Canby shall have the right to enter a bid for said personal property but not exceeding the amount of the City's actual costs.

Section 8: The proceeds of such sale shall be applied first to the payment of the City's costs, and the balance, if any, shall be paid to the Treasurer of the City of Canby to be credited to the General Fund.

Section 9: At the time of the payment of the purchase price at any such sale, the Chief of Police shall cause to be executed a Certificate of Sale in duplicate, the original of which shall be delivered to the purchaser, and a copy thereof filed with the Recorder of the City of Canby, which Certificate shall be in substantially the following form:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. 500 and pursuant to due notice of time and place of sale, I did on the ____ day of _____, 19⁰⁰__, sell at public auction to _____ for the sum of \$ _____ cash, he being the highest and best bidder the following described personal property, to-wit:

(Brief description of property)

And in consideration of the payment of the said sum, receipt whereof is hereby acknowledged, I have this date delivered to said purchaser the foregoing property.

Dated this ____ day of _____, 19__.

NOTE: The City of Canby, Oregon, assumes no responsibility as to the condition of the personal property described above, or of the title thereto. In case this sale shall for any reason be invalid, the liability of the City of Canby is limited to return of the purchase price.


Section 10: Upon any such sale being completed, the Chief of Police, or his duly authorized agent, shall deliver the possession of said personal property to the purchase thereof. Such sale and conveyance shall be without right of redemption.

Section 11: At any time within one (1) year after the date of any sale of abandoned property, the owner of such property sold as herein provided for shall be entitled to have the balance of the proceeds of such sale paid to him out of the General Fund of the City upon making application therefor to the Canby City Council and presenting satisfactory proof of ownership.

Section 12: Whereas, there are certain items of personal property at the present time abandoned within the City of Canby as defined by this Ordinance, and it is necessary for the peace, health and safety of the citizens of said City that said personal property should be disposed of. Now, therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.

- Passed on first reading of the Canby City Council at a regular meeting thereof held on the 19th day of September, 1966; ordered posted as provided by the Canby City Charter and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 17th day of October, 1966, at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time at the Canby City Hall.

ATTEST:



J. R. RICHARDSON - City Recorder




FRED STEFANI - Mayor

Passed on final reading of the Canby City Council at a regular meeting thereof held on this 17th day of October, 1966, by the following vote: Yeas 6, Nays .

ATTEST:


FRED STEFANI - Mayor


J. R. RICHARDSON - City Recorder
EVELYN MADSEN - Acting Recorder