

ORDINANCE NO. 720

AN ORDINANCE AMENDING CHAPTER 2.52 OF TROUTDALE MUNICIPAL CODE,  
DISPOSITION OF PERSONAL PROPERTY

The Troutdale City Council finds:

1. The City of Troutdale receives and stores seized and abandoned personal property and occasionally needs to dispose of surplus City property.
2. The City's existing ordinance governing the disposition of personal property is outdated and inconsistent with commonly accepted practices for disposing of personal property.
3. It is in the public interest to amend the process for disposing of personal property in the City.

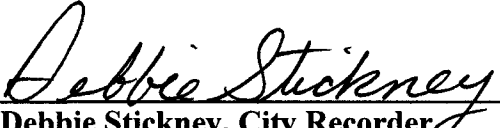
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

**Section 1.** Chapter 2.52, Disposition of Personal Property, is hereby amended to read as provided in the attached Exhibit A, which is incorporated herein by reference.

YEAS:	<u>7</u>
NAYS:	<u>0</u>
ABSTAINED:	<u>0</u>

  
Paul Thalhofer, Mayor

Dated: 8/29/02

  
Debbie Stickney, City Recorder

Adopted: August 27, 2002

## Chapter 2.52

### DISPOSITION OF PERSONAL PROPERTY

#### Sections:

- 2.52.010 Short title.**
- 2.52.020 Purpose.**
- 2.52.025 Definitions.**
- 2.52.040 Weapons or illegal substances.**
- 2.52.050 Unclaimed personal property.**
- 2.52.060 Surplus personal property.**

#### **2.52.010 Short title.**

The ordinance codified in this chapter shall be known as "The Disposition of Personal Property Ordinance."

#### **2.52.020 Purpose.**

The purpose of this chapter is to set forth procedures for the disposition of surplus, unclaimed, abandoned, impounded or confiscated person property.

#### **2.52.025 Definitions.**

The words and phrases used in this chapter have the following meaning:

A. "Owner" means the person who can prove the right to possession and control of personal property which is legally superior to any other person who may present a claim to the property.

B. "Unclaimed personal property" means personal property that was seized by a law enforcement agency as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of that law enforcement agency for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

C. "Surplus personal property" means personal property owned by the city which the City Administrator has determined no longer serves the needs of the city, and includes unclaimed personal property which has been transferred to the city in accordance with Section 2.52.050.

#### **2.52.040 Weapons or illegal substances.**

Weapons or illegal substances confiscated or impounded by any police officer shall be held under the custody of the police department of the city for so long as it may be necessary to be used as evidence in any court of law. Such property shall be held a minimum of thirty days after the expiration of the appeal process. Unless it is found by a court of competent jurisdiction that the weapon or illegal substances should be returned to the person from whom it was confiscated or impounded, it shall be destroyed in the presence of two witnesses and disposed of in such manner as it may not be recovered or repaired or used for its intended purpose. Upon destruction the witnesses shall certify that the weapon or illegal substance has been destroyed and such certificate shall be retained per the state retention schedule.

#### **2.52.050 Unclaimed personal property.**

A. Unclaimed personal property shall be taken into police department custody and stored. The police department shall make a record of all property so found and received and shall record the name of the finder.

B. While the unclaimed personal property is being stored, the city will make reasonable attempts to ascertain who the owner of the property is. If a possible owner is identified, the city shall notify the owner by regular mail at the last known address of the person. Unclaimed property may be reclaimed by an owner if the owner submits written proof of ownership and payment for all the costs incurred to store the property.

C. An owner that is claiming personal property must make a claim within ten days of the date the city mailed notice in accordance with Subsection B above, or within thirty days of the date the city published notice in accordance with Subsection D.2. below. Any person that fails to make a claim of ownership shall be deemed to have voluntarily forfeited any interest in the property and to have waived any future claim to the property.

D. If the city is unable to ascertain the identity of the possible owner of unclaimed personal property that is in the police department's custody, or if the owner does not respond within the time period that is required in Subsection C above, the unclaimed personal property shall be disposed of in the following manner:

1. If the property is valued at less than one hundred dollars (\$100), the property may be disposed of in accordance with Subsection E below, without further notice. Property which is perishable, which can not be preserved at a reasonable cost, or for which a value can not be easily and reasonably determined, shall be deemed to have a value of less than one hundred dollars (\$100).

2. If the property is valued at more than one hundred dollars (\$100), the city shall publish a notice of intent to dispose of the unclaimed personal property in a publication of general circulation in the city. The notice shall describe the property, where it was found or abandoned, and the date before which the property must be claimed to avoid being deemed forfeited, if such information is available. The property must be claimed within thirty days after the date the notice of intent to dispose was published in the publication. If the property is not claimed within this period, the property may be disposed of in accordance with Subsection E below.

E. All unclaimed personal property may be sold. The sale shall be conducted by the City's property disposal contractor, or the City Administrator, or his designee. The property shall be sold to the highest bidder. Unclaimed personal property that is deemed useful may be absorbed by city departments for use. When said property is no longer useful to the city, it may be sold according to the procedure set forth in Section 2.52.060 of this chapter.

**2.52.060 Surplus personal property.**

Surplus personal property shall be collected together, stored and identified on a list of surplus personal property. The list shall be presented to the city council for approval or disapproval of sale. Surplus personal property that the Council approves for sale shall be sold by the city's property disposal contractor, or by the City Administrator, or his designee, to the highest competitive bidder.