

Amended by
Ord 98-1046

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 799

AN ORDINANCE PROVIDING FOR DISPOSITION OF ABANDONED, FOUND, SEIZED
AND STOLEN PROPERTY

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Custody of Property:

Whenever any personal property other than a motor vehicle is taken into the custody of any department of the city by reason of its having been abandoned, found, seized, or for any other reason, such personal property shall be turned over to and held by the Police Department at the expense and risk of the owner or person lawfully entitled to possession thereof.

Section 2. Surrender to True Owner:

Except when the property in question has been confiscated or is being held as evidence, the owner or person lawfully entitled to possession may reclaim it upon application to the Police Department. The department shall require satisfactory proof of ownership or right to possession, and the department shall further require payment of any charges and expenses incurred in the storage, preservation and custody of the property.

Section 3. Sale of Property:

a) At any time after the expiration of 60 days from the time the property comes into the possession of the Police Department the Chief of Police may sell the property at public auction. He shall not sell any such property held in evidence in any court proceeding until the need for its use in that proceeding has passed. Notice of the sale shall be given once by publication in a newspaper of general circulation in the City of Sherwood at least ten days before the date of sale. The notice shall give the time and place of the sale and shall describe generally the property to be sold.

b) All sales of property under this ordinance shall be for cash and shall be made to the highest and best bidder, provided, however, that any person appearing at or prior to the sale and proving ownership or right of possession to the property in question shall be entitled to reclaim it upon payment of the charges and expenses incurred by the city in the storage, preservation and custody of the property and a proportionate share of the costs of advertising for the sale.

c) If no bids are entered for the property, or if the highest bid is less than the costs incurred by the City, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs. If bid in by the city, the property shall become the property of the city as compensation for costs incurred.

d) The proceeds of the sale shall be applied first to payment of the costs of sale and any expenses incurred in preservation, storage and custody of the property, and any balance shall be credited

to the General Fund of the city.

e) The sale of property pursuant to this ordinance shall be without right of redemption.

Section 4. Certificate of Sale:

At the time of payment of the purchase price of the property the Chief of Police shall sign a certificate of sale in duplicate, the original to be delivered to the purchaser and a copy to be kept on file in the office of the city recorder, which certificate shall contain the date of sale, the consideration paid, a brief description of the property, and a stipulation that the city does not warrant the condition of title of the property other than return of the purchase price in the event title should prove to be invalid. The certificate of sale shall be in substantially the form attached hereto, marked Exhibit A, and by this reference incorporated herein.

Section 5. Dangerous or Perishable Property:

The Chief of Police may order the destruction or other disposal of any property coming into his possession which is in his judgment dangerous or perishable.

Section 6. Scope:

This ordinance shall apply to all personal property except motor vehicles now or hereafter in the custody of the City of Sherwood, weapons subject to ORS 166.280, property the disposition of which is subject to court order, and intangible personal property presumed abandoned pursuant to ORS 98.306 to 98.432.

Section 7. Storage and Preservation Charges:

The charges and expenses for storage, preservation and custody of property shall be \$5.00 per item plus \$1.00 per day that each item is in storage, provided that the total charge for each item shall not exceed \$25.00 for items valued under \$100.00 or a total of \$50.00 for items valued \$100.00 or over.

Section 8. Disposal of Property:

If the Chief of Police by appraisal or other suitable means determines that the property is of a value of less than \$25.00 and is not suitable for sale pursuant to this ordinance or remains unsold at auction, he may destroy or otherwise dispose of the property by donation of same to a charitable organization willing to accept the item.

Section 9. This ordinance shall become effective on the 31st day after its enactment by the City Council.

PASSED:

By the Council, by unanimous vote of all members present, after being read by caption three times this 8th day of February, 1984.

Polly Blankenbaker
Polly Blankenbaker, City Recorder

APPROVED:

By the Mayor, this 9th day of February, 1984.

Mary S. Tobias
Mary Tobias, Mayor

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