

GARIBALDI ORDINANCES

ORDINANCE NO. 147

AN ORDINANCE ADOPTING PROCEDURES FOR THE HANDLING AND DISPOSITION OF LOST PROPERTY AND OTHER PROPERTY WHICH IS RECEIVED BY THE CHIEF OF POLICE AND PROVIDING FOR THE SALE OF SUCH PROPERTY BY PUBLIC AUCTION.

The City of Garibaldi does ordain as follows:

LOST PROPERTY

Section 1. Lost Property Except as provided in Section 2 below, all lost property which is found by a person within the limits of the City of Garibaldi shall be reported and disposed of as provided by ORS 98.005 to 98.025.

Section 2. Exempted Property Any lost property which is valued at less than \$25.00, for which the owner is unknown and which is delivered to the custody of the Chief of Police is exempt from the provisions of this ordinance. Such property shall be tagged with the finder's name and address; the date, time and location when found; and other relevant information and such property shall be held for 60 days in a Lost and Found section at the office of the Chief of Police.

Section 3. Return of Exempted Property Within 60 days after delivery of lost property to the Chief of Police and upon receipt of adequate proof of ownership by a person claiming ownership of any such property in the Lost and Found section, the Chief of Police shall surrender possession of such property to the claimant. If no person claims ownership of such property within such 60 day period, such property shall be delivered by the Chief of Police to the finder at the address listed on the tag. If no person claims ownership and if the finder cannot be located at the address listed on the tag, the Chief of Police shall surrender such property to the City Recorder for sale by public auction.

SEIZED PROPERTY

Section 4. Tagging Property and Maintenance of Property Book All property which has been seized, confiscated, forfeited, received, or otherwise coming into the custody or control of the Chief of Police for the City shall be tagged and logged into a Property Book which shall be maintained by the Chief of Police. The tag and the Property Book both shall contain the name and address of the owner if known; the name of the recipient; the date, time and location when received; the location and space number where such property is stored; and other relevant information.

Section 5. Property as Evidence All property which is being held as evidence for court identification shall be marked with the name of the recipient, the date and time when received and other relevant information to identify all subsequent handlers of such property. All such markings shall be done in a manner which makes identification positive, but which will not deface or devalue property of worth.

Section 6. Storage of Property All property described in Section 4 above

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shall be held in the evidence locker at the office of the Chief of Police or at such other secure place noted in the Property Book. Any officer who stores any property in a location other than the evidence room forthwith shall report the location of such property to the Chief of Police.

Section 7. Storage of Dangerous Materials No dangerous materials such as flammable liquids, explosives, gunpowder, unstable chemicals, or other volatile or toxic materials shall be placed in the evidence locker without the prior approval of the Chief of Police.


Section 8. Disposition of Seized Property All property described in Section 4 above shall be handled and disposed of as provided by ORS 133.623 to 133.663; provided, however, that any property which is identified as having been stolen in another jurisdiction may be returned to a law enforcement officer of such other jurisdiction with a completed Recovered Property Form and police report which describes the circumstances under which the Chief of Police obtained possession of such property. If no claim to rightful possession has been asserted within 90 days and established as prescribed by ORS 133.633, the Chief of Police shall destroy any such property which is contraband and shall surrender other such property to the City Recorder for sale by public auction.

MISCELLANEOUS

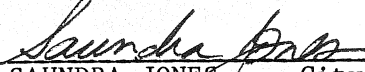
Section 9. Public Auction At times authorized by the City Council, after publishing notice in a newspaper of general circulation in Tillamook County, Oregon for 4 consecutive weeks and after posting notice in 3 public places in the City, the City Recorder shall conduct a sale by public auction of all property surrendered pursuant to Sections 3 and 8 above. The proceeds of such sale by public auction shall be deposited forthwith by the City Recorder in the general fund of the City.

Section 10. Affected Property This ordinance governs the handling and disposition of all property in the custody or control of the Chief of Police on or after the date when this ordinance was adopted.

PASSED AND ADOPTED by the City Council and APPROVED by the Mayor on this 23 day of March, 1987.


DENNIS WELCH Mayor

ATTESTED:


SAUNDRA JONES City Recorder