

# TIGARD MUNICIPAL CODE

## **Chapter 2.52 ABANDONED, FOUND, SEIZED AND STOLEN PROPERTY.**

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### **2.52.010 Custody Of Property.**

Whenever any personal property other than a motor vehicle, personal property, or signs removed from the right-of-way pursuant to Chapter 7.61, 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, the 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 of it. (Ord. 10-06 § 2, 2010; Ord. 81-37 §1, 1981).

### **2.52.020 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 the payment of any charges and expenses incurred in the storage, preservation and custody of the property. (Ord. 81-37 §2, 1981).

### **2.52.030 Sale Of Property.**

1. At any time after the expiration of 60 days from the conclusion of all criminal actions

related to the seizure of the property or after 60 days from the conclusion of the investigation if no criminal action is filed, the Chief of Police may sell the property at public auction. The Chief of Police shall not sell any such property held in evidence in any court proceeding until the need for its use in that proceeding has passed.

2. The auction may be conducted in conjunction with other law enforcement agencies. The auction company, as agent for the Police Department, shall give notice of the sale once by publication in a newspaper of general circulation in the City at least 31 days before the date of sale. Notice must also be posted in at least three public places within the City of Tigard. A copy of the notice shall also be sent to any person that the Police Department has reason to believe has an ownership or security interest in the property. The notice shall give the time and place of the sale and shall describe generally the property to be sold at the sale. The notice shall include a statement in substantially the following form:

#### NOTICE

The Tigard Police Department has in its physical possession the unclaimed personal property described below. If you have any ownership interest in any of that unclaimed property, you must file a claim within 30 days from the date of publication of this notice, or you will lose your interest in that property.

3. All sales of property under this chapter 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 the 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.

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4. 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 the costs incurred.

5. The auction company shall provide the City with a detailed list of items sold and the monies received for each item. The proceeds of the sale shall be applied first to payment of the costs of the sale and any expenses incurred in the preservation, storage and custody of the property, and any balance shall be credited to the general fund of the City. The auction company shall be responsible for issuance of a receipt of sale to the purchaser of the property.

6. The sale of property pursuant to this chapter shall be without right of redemption.

7. The City of Tigard assumes no responsibility as to the condition of the title to the property which is the subject of this transaction. In the event this sale should for any reason be invalid the liability of the City is limited to the return of the purchase price. (Ord. 02-11, Ord. 90-05 §1, 1990; Ord. 81-37 §3 and §4, 1981).

## **2.52.040 Use Of Property By City.**

1. In lieu of a sale of the property under Section 2.52.030, at anytime the City is authorized to sell the property the City Manager may, at the request of the Chief of Police, convert the property to public use by entering it on the City's fixed asset inventory.

2. Notice of the transfer of the property to the City shall be given once by publication in a newspaper of general circulation in the City at least 31 days before the property is converted to City use. The notice shall describe the property and state that the described property shall be

converted to City use if the property is not reclaimed within 30 days. Any claim of ownership shall be subject to the provisions of Section 2.52.020.

3. If the property is not reclaimed within 30 days after publication of the notice described in subsection 2.52.040.2 of this section, the property shall be entered on the City's fixed asset inventory and shall not be subject to the right of redemption. (Ord. 02-11, Ord. 90-05 §2, 1990).

## **2.52.050 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. Weapons shall be destroyed in accordance with ORS 166.280. (Ord. 02-11, Ord. 81-37 §5, 1981).

## **2.52.060 Scope.**

This chapter shall apply to all personal property, except motor vehicles, personal property, or signs removed from the right-of-way pursuant to Chapter 7.61, now or hereafter in the custody of the City of Tigard. (Ord. 10-06 § 2, 2010; Ord. 81-37 §6, 1981).■