

ORDINANCE NO. 700

AN ORDINANCE AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY THROUGH AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF GENERAL SERVICES, AND ADDING STAYTON MUNICIPAL CODE SECTION 2.64.1670, "SALE OF PROPERTY BY OTHER AUTHORIZED AGENCIES."

WHEREAS, the City of Stayton may, through an intergovernmental agreement with the Oregon Department of General Services, dispose of surplus property through the State Surplus Property Disposal Network;

NOW, THEREFORE, THE STAYTON CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 2.64 of the Stayton Municipal Code is hereby amended to read:

2.64.1600 CUSTODY OF PROPERTY

Whenever any personal property other than motor vehicles or animals is taken into custody of any department by reason of seizure, abandonment, or for any other reason, the personal property shall be held by the police department at the expense of the owner or person lawfully entitled to possession thereof. (Ord. 658, section 1[part], 1989: prior code section 2.230)

2.64.1610 RECLAIMING BY OWNER

Within one-hundred eighty (180) days after such property is taken into possession, except when confiscated or currently held as evidence, the owner or person lawfully entitled to possession may reclaim the same upon application to the police department, submission of satisfactory proof of ownership or right to possession, and payment of charges and expenses, if any, incurred in the storage, preservation, and custody of the property. (Ord. 658, section 1[part], 1989: prior code section 2.230)

2.64.1620 SALE: PROCEDURE

1. As often as is deemed necessary, the police chief shall sell at public auction any unclaimed property which has been held for not less than 180 days and any property which has been confiscated and not ordered destroyed, except such property held as evidence in any legal or court proceeding. Notice of the time and place of sale shall be given once by publication of a classified advertisement in a newspaper of general circulation in the city, not less than five (5) nor more than ten (10) days before the date of sale, and by posting such notice in three (3) public places within the city, not less than five (5) days before the sale. The notice shall contain a general description of the property to be sold.
2. All sales of such property shall be for cash to the highest bidder. The proceeds shall be paid to the city administrator, to be credited to the general fund.

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3. If no bids are entered for the property, or if the highest bid entered is less than the costs incurred by the city, the police chief may enter a bid on behalf of the city in an amount equal to such costs. If bid on by the city, the property shall become the property of the city as compensation for the costs incurred, or if of no use or value to the city shall be disposed of in such manner as the city administrator directs.
4. Sales under this section shall be without the right of redemption from the purchaser. (Ord. 658, section 1[part], 1989: prior code section 2.232)

2.64.1630 SALE: CERTIFICATE

1. At the time of the payment of the purchase price, the police chief shall execute a certificate of sale in duplicate, the original of which is to be delivered to the purchaser and a copy of which is to be kept on file in the city administrator's office. The 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 or title of such property other than the return of the purchase price in case the title is for any reason invalid.
2. The certificate of sale shall be substantially in the following form:

CERTIFICATE OF SALE

This is to certify that under the applicable provisions of the Stayton Code and pursuant to due notice of time and place of sale, I did, on the ___ day of _____ 19___, sell at public auction to _____ for the sum of \$___ cash, he being the highest and best bidder and that being the highest and best sum bid, the following described personal property: _____ (brief description of property) _____, and, in consideration of payment of said sum, receipt of which is hereby acknowledged, I have this day delivered to said purchaser the property herein described.

Dated this _____ day of _____ 19__.

Police Chief

Purchaser

NOTE: The city of Stayton assumes no responsibility as to condition of the title of the above described property. In case this sale shall for any reason be invalid, the liability of the city is limited to return of the purchase price. (Ord. 658, section 1[part], 1989: prior code section 2.233)

2.64.1640 SALE: PAYMENTS TO OWNER

At any time within one year after such sale, the owner of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to him out of the general fund, upon making application therefore to the city council and presenting satisfactory proof of ownership. The balance shall be computed as any remainder from the purchase price after the cost of the sale and the expense incurred in the preservation, storage, and custody of the property have been deducted. (Ord. 658, section 1[part], 1989: prior code section 2.234)

2.64.1650 DISPOSITION OF DANGEROUS OR PERISHABLE PROPERTY

Any property coming into possession of the police chief which he determines to be dangerous or perishable may be disposed of immediately, without notice, in such manner as he determines to be in the public interest. (Ord. 658, section 1[part], 1989: prior code section 2.235)

2.64.1660 SALE OF CITY-OWNED SURPLUS PROPERTY

City-owned personal property, which is declared to be unnecessary and surplus to the operation of the city by the city council, may be disposed of by the sale procedure set forth in sections 2.64.1320 of this chapter. (Ord. 658, section 1[part], 1989: prior code section 2.236)

2.64.1670 SALE OF PROPERTY BY OTHER AUTHORIZED AGENCIES

In lieu of the procedures described in sections 2.64.1600 to 2.64.1660 of this chapter, the City may dispose of any unclaimed property which has been held for not less than 180 days, any property which has been confiscated and not ordered destroyed, except such property held as evidence in any legal or court proceeding, or any surplus city property, under terms of an Intergovernmental Agreement entered into with the Oregon Department of General Services.

PASSED BY THE STAYTON CITY COUNCIL this 18th day of February, 1992.

Dated: Feb 20, 1992 By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

ATTEST
Dated: Feb. 20, 1992 By: David W. Kinney
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM
Dated: FEB 21 1992 By: David A. Rhoten
DAVID A. RHOTEN, City Attorney

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