

ORDINANCE NO. 442

AN ORDINANCE REGULATING PERSONAL PROPERTY SALE PROCEDURES

The City of Stayton does ordain as follows:

Section 1. Custody of Property. Whenever any personal property other than abandoned motor vehicles 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.

Section 2. Surrender to True Owner. Within one hundred eighty days after such property is taken into possession, except when confiscated or 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.

Section 3. 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 one hundred eighty 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 in a newspaper of general circulation in the city not less than five nor more than ten days before the date of sale, and by posting such notice in three public

places within the city not less than five days before the sale. The notice shall contain a description of the property to be sold.

(2) All sales of any such property shall be for cash to the highest bidder. The proceeds shall be paid to the city recorder, to be credited to the general fund.

Section 4. Certificate of Title. At the time of the payment of the purchase price, the police chief shall execute 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 or title of such property other than the return of the purchase price in case the title is for any reason invalid. The certificate of sale shall be substantially in the following form:

#### CERTIFICATE OF SALE

This is to certify that under the provision of Ordinance No. \_\_\_\_\_ of the City of Stayton 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 therefore, the following described personal property, to wit: \_\_\_\_\_

(Brief Description of Property)

And in addition of the payment of the said sum of \$ \_\_\_\_\_, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Police Chief

\_\_\_\_\_  
PURCHASER

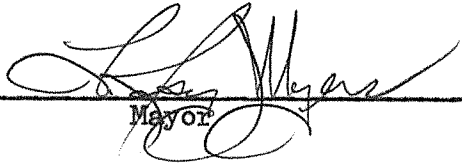
Note: The City of Stayton assumes no responsibility as to condition of the title of the above-described property. In case this<sup>sale</sup> shall for any reason be invalid, the liability of the city is limited to return of the purchase price.


Section 5. Payment to True 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.

Section 6. Emergency Clause. The council finding that an emergency exists and the adoption of this ordinance is necessary for the immediate preservation of the public safety, peace, and welfare this ordinance shall be in full force and effective from and after its date of passage.

PASSED by the Council this 5<sup>th</sup> day of August, 1974.

APPROVED by the Mayor this 5<sup>th</sup> day of August, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Recorder