

- possession of any weapons or explosives of any kind on public streets, public places, or any outdoor place;
- (9) curtail or suspend commercial activity;
 - (10) turn off water, gas, or electricity;
 - (11) order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

2.740 Responsibilities of City Manager.

The City Manager shall carry out the emergency duties or functions as prescribed by the resolution establishing procedures to deal with an emergency and may delegate all or part of that authority.

2.750 Violation.

Any person, firm, corporation, association, or entity that violates any provision of Sections 2.700 to 2.750 or any plan or order authorized by sections 2.700 to 2.750 shall be subject, on conviction, to a fine of not more than \$500 per offense. Each day of violation shall be deemed a separate offence for penalty purposes.

[Sections 2.700 through 2.745 "Emergency Planning" repealed by Ordinance No. 1459, adopted August 28, 2000; The West Linn Municipal Code is amended by adding Sections 2.700 through 2.750 by Ordinance No. 1459, adopted August 28, 2000.]

DISPOSITION OF UNCLAIMED PROPERTY

2.800 Property in Police Department Possession-Disposition.

Whenever the chief of police of the city has any property, including money, but excluding vehicles subject to ORS 819.100 to 819.260, in his possession, the ownership of which is unknown, and which is unclaimed for a period of three months (90 days) after the property came into the possession of the police department, the chief of police shall, unless the disposition of such property is

otherwise specifically provided for by law, report the fact to the city manager and request authority to dispose of it as provided in sections 2.800 to 2.825.

2.805 Manager Authority--Disposition by Sale--Notice.

The city manager shall act upon the request of the chief of police within thirty days after the request for a public sale and if the city manager approves the request, the city manager shall cause to be posted written or printed notice of sale in three public places within the city at least ten days before the sale. Notice shall also be published in a newspaper of general circulation within the city at least ten days prior to the date of sale or transfer. The notice shall describe the property, excluding money, and shall state the time and place of public sale at which the property may be purchased by the highest bidder. Until the date of the sale, the property, excluding money, may be claimed at the office of the chief of police. If ownership is proved, the chief of police shall turn the property over to the owner, and cancel the sale insofar as the claimed property is concerned.

2.810 Conduct of Sale--Disposition of Funds.

The chief of police shall cause the sale to be conducted and shall deposit the proceeds thereof, together with any other money included in the notice, in the city treasury to the credit of the city general fund.

2.815 Transfer of Property to City.

In lieu of a sale of the property under the foregoing provisions of sections 2.800 to 2.825, the chief of police, with the approval of the city manager, may transfer any portion of the unclaimed property to the city for use by the city or other governmental agencies, or by destruction after the same notice as set forth in section 2.805.

2.820 Destruction of Contraband.

The Chief of Police shall cause contraband or illegal drugs, and/or substances to

be destroyed at the direction of the court after such property has been provided to the courts as evidence and is no longer required by the procedure at the courts. Any unclaimed or found contraband, illegal drugs, and/or substances shall be destroyed at the direction of the chief of police and certification of destruction shall be placed in the case file jacket relating to such found or unclaimed property.

2.825 Claim by Owner After Sale.

(1) If the property is sold as provided herein, and if within six months after the sale, the owner of the property, including money, files with the city manager a claim for the property, and proves his right to the same, the city manager shall direct that the money or the amount received for the property, less expenses of the sale, shall be paid to the owner from the city treasury. The city manager shall not approve any claims filed more than six months after the sale.

(2) If the property is transferred to the city or other governmental agency, in lieu of sale, it may be claimed by the lawful owner thereof at any time within six months from the transfer to the city, or other governmental agency. The chief of police and the city manager, in disposing of property in the manner provided herein, shall not be liable to the owner thereof.

INVENTORY OF CONTENTS OF ARRESTED PERSONS AND IMPOUNDED VEHICLES

2.830 Purpose.

This chapter is meant to exclusively apply to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes. [Section 2.830 added by Ord. 1388 enacted 05-28-96.]

2.832 Definitions. For the purpose of this chapter, the following definitions shall apply:

(1) Valuable means:

(a) Cash money of an aggregate amount of \$50.00 or more; or

(b) Individual items of personal property with a value of over \$500.00.

(2) Open container means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

(3) Closed container means a container whose contents are not exposed to view.

(4) Police custody means:

(a) The imposition of restraint as a result of an arrest as that term is defined in ORS 133.005(1); or

(b) The imposition of actual or constructive restraint by a police officer pursuant to a court order; or

(c) The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426; or

(d) The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.

(5) Police officer means any officer of the West Linn Police Department.

[Section 2.832 added by Ord. 1388 enacted 05-28-96.]

2.834 Inventories of Impounded Vehicles.

(1) The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:

(a) If there is a reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as