



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE 3951 AN ORDINANCE AMENDING CHAPTER SIX OF THE BEAVERTON CODE BY ADDING NEW PROVISIONS REQUIRING THE INSPECTION AND INVENTORY OF THE CONTENTS OF IMPOUNDED VEHICLES*

NUMBER OF PAGES

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ORDINANCE NO. 3951

AN ORDINANCE AMENDING CHAPTER SIX OF THE BEAVERTON CODE
BY ADDING NEW PROVISIONS REQUIRING THE INSPECTION AND
INVENTORY OF THE CONTENTS OF IMPOUNDED VEHICLES.

WHEREAS, when a police officer lawfully impounds a vehicle, the city and the officer may be held liable for loss or damage to the vehicle or its contents arising out of or in the course of the impoundment; and

WHEREAS, an inspection and inventorying of the contents of an impounded vehicle will help to prevent any such loss or damage by allowing the officer to discover what property is in the vehicle so he or she can take appropriate steps to safeguard the property; and

WHEREAS, an inspection and inventory of the contents of an impounded vehicle will help to protect the police and city against false claims for lost, stolen or damaged property; and

WHEREAS, an inspection and inventory of the contents of an impounded vehicle also may help to protect the police from potential danger that occasionally arises from the impoundment of uninventoried property; and

WHEREAS, the inspection and inventorying of lawfully impounded vehicles is permitted under state and federal law if authorized by a duly enacted law that clearly states the purpose of the inspection and inventory and clearly places meaningful restrictions on the manner the police may inspect and inventory the property of others; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 6.05.200-6.05.235, "Vehicle Inventory Ordinance," is hereby added to the Beaverton Code and shall read as follows:

6.05.200 Short Title. 6.05.200 to 6.05.235 shall be known and may be cited as the 'Vehicle Inventory Ordinance' and may also be referred to as 'this ordinance.'

6.05.205 Definitions. For the purpose of this ordinance, the following mean:

Officer - A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Personal property - Every kind of property except land, tenements and fixtures.

Valuable personal property - Any cash, check, money order or other financial instrument, in any amount; any earring, necklace, non-prescription glasses, ring, watch, bracelet or other similar item of jewelry, regardless of the item's apparent value; and any other item of personal property that

the person examining the item reasonably believes has a fair market value of \$500 or more.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury.

Impounded vehicle - A vehicle seized from its owner or operator by or at the direction of the city or one of its employees for a substantial period of time under circumstances in which the city either must consent to the release of the vehicle or otherwise bears some responsibility for the protection, preservation or disposition of the vehicle.

For purposes of this ordinance, a vehicle shall not be considered an impounded vehicle if the city or one of its employees or agents facilitates the towing of a vehicle under the following circumstances:

A. The vehicle is towed by a person independent of the city to a place not under the authority or control of the city;

B. The vehicle may be returned to its operator or an owner of the vehicle without city authorization; and

C. The vehicle is towed either.

1. With the consent of its operator or an owner of the vehicle; or

2. At the direction of a person who:

(a) is not an owner or an operator of the vehicle, and

(b) is not an employee or agent of the city, and

(c) is an owner, tenant, occupant or person otherwise in lawful control of the property upon which the vehicle is located immediately prior to towing.

Closed container - A container the contents of which are not exposed to view.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes a vehicle that is propelled or powered by any means.

Owner - When referring to the owner of a vehicle, the person or persons in whose name or names title to a vehicle is issued, and who is or are entitled to possession and use of the vehicle. For purposes of this ordinance, a security interest holder or lessor of a vehicle is an owner of the vehicle.

6.05.210 Purpose. The inspection and inventory of the contents of impounded vehicles pursuant to this ordinance is intended to:

A. Protect an owner's property while in custody of the city;

B. Protect the city, its employees and agents against claims or disputes over lost, stolen or damaged property; and

C. Protect city employees from potential danger.

6.05.215 Duty to inspect impounded vehicles. An officer shall inspect the exterior and interior of every lawfully impounded vehicle as provided in this ordinance.

6.05.220 Timing of inspection. The inspection of a lawfully impounded vehicle shall occur prior to the vehicle's removal from the place where it is seized, unless exigent circumstances reasonably require that the inspection be delayed. In such exigent circumstances, the inspection shall occur as soon as practicable after the exigency has passed.

6.05.225 Manner of inspection. The inspection of a lawfully impounded vehicle shall occur in the following manner:

A. An officer shall examine the exterior of the vehicle to determine if there is any readily apparent body damage.

B. An officer shall examine interior areas where personal property or dangerous items may reasonably be located. Interior areas shall include, but are not limited to:

1. The passenger compartment, including the center console, dashboard, glove box, door pockets, seat pockets, ash tray, sun visor and the areas behind and under the seats and floor mats;

2. An unlocked trunk;

3. An uncovered hatchback;

4. The open bed of a pickup truck; and

5. The area within any attached canopy, camper or car-top container openly accessible from either inside or outside of the vehicle.

C. An officer shall open and examine the following locked areas: glove box, trunk, center console, hatchback, canopy, camper, car-top container or similar area within or attached to a vehicle, if:

1. There is an openly accessible unlocking mechanism provided within the vehicle;

2. A key to the locked area will remain with the vehicle; or

3. A key to the locked area will be taken or withheld from the possession of an owner or occupant of the vehicle.

D. If the conditions set forth in subsection C of this section are not present, then the area shall remain locked and unopened.

E. The contents of a closed container found within a vehicle shall not be opened unless:

1. The officer reasonably believes that the closed container contains valuable or dangerous personal property;

2. An occupant of the vehicle wants to retain physical custody and control of the closed container; or

3. Opening the closed container is otherwise lawful.

F. Any objects found within an examined area or closed container that is opened for inspection pursuant to subsections B, C or E of this section, shall be scrutinized only to the extent necessary to complete an accurate inventory.

6.05.230 Identification and Safekeeping of Property. As soon after the completion of an inspection of a lawfully impounded vehicle as is reasonably possible, an officer shall:

A. Make a written list of any body damage to the vehicle's exterior that reasonably appears to the officer to be damaged in excess of \$500.

B. Make a written list of all valuable and/or dangerous personal property found within the vehicle.

C. Remove from the vehicle the valuable and/or dangerous property listed in conjunction with the inspection.

D. Give to any occupant of the vehicle such property removed from the vehicle that the officer reasonably determines the occupant may rightfully possess, unless circumstances otherwise

lawfully permit withholding the property from the person.

E. Take reasonable steps to safeguard the remaining property removed from the vehicle, and that is not returned to an occupant.

F. Note the disposition of all the valuable or dangerous personal property discovered during the inspection by recording who has physical custody of each item of valuable or dangerous personal property taken out of the vehicle.

G. Secure the vehicle in a reasonably appropriate manner to reduce the opportunity for unauthorized entry.

6.05.235 Distribution of Property Receipts. The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

A. To the person in control of the vehicle. If that person is unknown or otherwise unavailable, the copy shall be left with the vehicle in a conspicuous place.

B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

6.05.240 Adoption of Administrative Policies or Procedures. The Beaverton Police department may adopt any necessary administrative procedures, rules or regulations to carry out this ordinance."

First reading this 2nd day of February, 1996.

Passed by the Council this 26th day of February, 1996.

Approved by the Mayor this 27th day of FEBRUARY, 1996.

ATTEST:

Darleen Coxburn
DARLEEN COGBURN, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor