

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Ordinance)
Allowing the Impoundment of)
Vehicles and an Inventory of the)
Contents of Impounded Vehicles)
_____) ORDINANCE NO. 94-11

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 94-11.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the authority of ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this ordinance is to allow the Columbia County Sheriff, and any deputy thereof, and other Peace Officers to impound vehicles in certain cases and to inventory the contents of impounded vehicles.

SECTION 4. IMPOUNDMENT OF VEHICLES.

A. The Columbia County Sheriff, and any deputy thereof, and any other Peace Officer engaged in official duties within the County, hereinafter collectively referred to as Peace Officers, shall impound any vehicle or vehicles which will be used as evidence in a criminal case then pending, or in a criminal case likely to be filed. The Peace Officers shall follow all constitutional and statutory requirements necessary to lawfully gain possession of such vehicle or vehicles including obtaining a warrant when required. Impounded vehicles shall be towed to an appropriate storage area or facility for safekeeping.

B. The Peace Officer shall impound any vehicle not to be used as evidence when the driver thereof has been arrested and no relative or responsible friend is available at the time of arrest to take possession of the vehicle and remove it from the site of the arrest. Impounded vehicles shall be towed to an appropriate storage area or facility for safekeeping.

SECTION 5. INVENTORY OF VEHICLES.

Impounded vehicles shall be inventoried by the Peace Officer prior to being towed to a storage area or facility. The inventory shall include a list of all property of value within or on the

vehicle as well as any damage to the vehicle. The Peace Officer shall safeguard the vehicle and the contents of the vehicle. If the Peace Officer removes any property of value from the vehicle, the Peace Officer shall place the property in a safe place. A list of the property removed shall be noted and a copy of the list shall be left on or in the vehicle in a conspicuous place. The Peace Officer shall have the authority to inventory the contents of closed containers on or within the impounded vehicle only to the extent allowed by constitutional and statutory provisions prevailing at the time of the arrest, or as subsequently interpreted during the course of the criminal proceeding.

SECTION 6. RATIFICATION OF OTHER AUTHORITY.

The purpose of this ordinance is to supplement, and not to replace, any other authority the Peace Officer may have to impound vehicles and to inventory the contents of vehicles. This ordinance shall be construed to be an addition to such authority and not a limitation of such authority. Any other such authority is hereby ratified and the same shall be considered part of this ordinance.

SECTION 7. SEVERABILITY.

The provisions of this ordinance, including Exhibit "A", are severable. If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct, and independent provision and the decision shall not affect the validity of the remaining portions hereof.

SECTION 8. EMERGENCY CLAUSE.

This ordinance being immediately necessary for the public health, safety, and welfare of the citizens of Columbia County, an emergency is declared to exist and this ordinance shall take effect on December 21, 1994.

ADOPTED this 21st day of December, 1994.

Approved as to form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Office of County Counsel

By: [Signature]
Chairman

Attest:

By: [Signature]
Commissioner

By: [Signature]
Recording Secretary

By: [Signature]
Commissioner

First Reading: 12-21-94
Second Reading: 12-21-94
Effective Date: 12-21-94