

COPY

JUL 11 1997

AN ORDINANCE FOR THE DISPOSAL OF UNCLAIMED PROPERTY IN POSSESSION OF TOWN POLICE

In the event the Town Police shall have in its possession any unclaimed personal property, such property may be (i) disposed of by public sale in accordance with this Ordinance and Section 15.1-133.01 of the Code of Virginia (1950), as amended, or (ii) retained for use by the Town Police, if such property has been in possession of the Town Police and unclaimed for a period of more than sixty days.

As used herein, "unclaimed personal property" shall mean any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by the rightful owner, and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Virginia Code §§ 55-210.1 et seq.).

Prior to the sale or retention for use by the Town Police of any unclaimed property the Mayor (as Chief of Police) or the highest ranking officer, if so directed by the Mayor, shall make reasonable attempts to notify the rightful owner of the property, obtain from the Attorney of the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the Town once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the Town Police, shall be described generally in the notice, together with the date, time, and place of sale and shall be made available for public viewing at the sale. The Mayor (as Chief of Police) or highest ranking officer, if so directed by the Mayor, shall pay from the proceeds of sale the costs of

advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by the Mayor or such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the Town Police shall become the property of the Town and shall be retained only if, in the opinion of the Mayor (as Chief of Police), there is legitimate use for the property by the Town Police, and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty days of the sale, the remaining funds shall be deposited in the general fund of the Town and the retained property may be placed into use by the Town Police. Any such owner shall be entitled to apply to the Town within three years from the date of the sale and, if timely application is made therefore and satisfactory proof of ownership of the funds or property is made, the Town shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for recovery of such funds or property after three years from the date of the sale.

Adopted July 7, 1997