

ORDINANCE O2016-06
NELSON COUNTY BOARD OF SUPERVISORS
DISPOSITION OF UNCLAIMED PROPERTY HELD BY THE SHERIFF

BE IT ORDAINED, pursuant to the Code of Virginia §§ 15.2-1719, 15.2-1720, and 15.2-1721, that the Nelson County Board of Supervisors does hereby amend the Code of Nelson County, Virginia 1950 as amended; as follows:

County Unclaimed property ordinance

Sec. _____. Unclaimed Personal Property Held by the Sheriff.

(a) Disposition of Certain Unclaimed Personal Property.

(1) In connection with unclaimed personal property held by the sheriff, other than personal property disposed of pursuant to subsections (b) and (c) of this ordinance, the sheriff is authorized to either (i) conduct a public sale in accordance with the provisions of this section or (ii) retain for use by the sheriff's department any such unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be 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 its rightful owner, and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Va. Code § 55-210.1 *et seq.*).

(2) Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for 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 Nelson County 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 law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The sheriff or his duly authorized agents 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 such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the County served by the agency and shall be retained only if, in the opinion of the chief law-

enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

(3) If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the County and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the County within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County 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 the recovery of such funds or property after three years from the date of the sale.

(b) Optional Disposition of Unclaimed Bicycles, Electric Power-Assisted Bicycles, Mopeds, and Electric Personal Assistive Mobility Devices.

(1) The sheriff is authorized to provide for the public sale or donation to a charitable organization of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped that has been in the possession of the sheriff's department, unclaimed, for more than thirty days. The procedures for sale shall be the same as provided in Subsection (a) above.

(2) Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the sheriff's department by a private person that thereafter remains unclaimed for thirty days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation within the County. In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, or moped, the record owner shall be notified directly.

(c) Optional Disposal of Unclaimed Firearms or Other Weapons in Possession of the Sheriff.

(1) The sheriff may elect to destroy unclaimed firearms and other weapons which have been in the possession of law-enforcement agencies for a period of more than 120 days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon 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 its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Va. Code § 55-210.1 *et seq.*).

(2) At the discretion of the sheriff, or his duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the sheriff,

or his duly authorized agents shall comply with the notice provision contained in subsection (a) above.

(3) In lieu of destroying any such unclaimed firearm, the County may donate the firearm to the Department of Forensic Science, upon agreement of the Department.

State law reference--Virginia Code §§ 15.2-1719, 15.2-1720, and 15.2-1721.

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

Adopted: _____, 2016

Attest: _____, Clerk
Nelson County Board of Supervisors

DRAFT