

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

0-2-99

At the regular meeting of the Board of Supervisors of the County of New Kent in the Board Room of the County Office Building in New Kent, Virginia, on the 14th day of June, 1999:

Present:	Vote:
Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

Motion was made by Mr. Burrell, which carried 5:0, to adopt the following ordinance:

BE IT HEREBY ORDAINED, that the County Code of New Kent County, Virginia, is hereby **AMENDED** to add thereto Article VII to Chapter 2 of the Code to provide for the disposition of unclaimed property held by the Sheriff of New Kent County, Virginia as follows:

CHAPTER 2

ARTICLE VII. OFFICE OF THE SHERIFF

Sec. 2-65 DISPOSAL OF UNCLAIMED PROPERTY IN POSSESSION OF THE SHERIFF

A. The Sheriff of New Kent County may dispose of any unclaimed personal property which has been in the possession of the Sheriff's Office or any of New Kent County's law-enforcement agencies and unclaimed for a period of more than sixty days by (i) the public sale, in accordance with the provisions of § 15.2-1719, or (ii) may retain such property for use by the Sheriff's Office or any law enforcement agency of New Kent County. As used herein, "unclaimed personal property" shall be any personal property other than bicycles, mopeds, and firearms and other weapons which belong 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 Treasurer of the Commonwealth has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1, of the Code of Virginia, as amended, et. seq.).

B. Prior to the sale or retention for use by the Sheriff office or such 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 the locality 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 the Sheriff for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the Sheriff's office or such law-enforcement agency shall become the property of New Kent County and shall be retained only if, in the opinion of the Sheriff, 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.

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 New Kent County and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to New Kent County within three years from the date of sale and, if timely application is made therefore and satisfactory proof of ownership of the funds or property is made, New Kent 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.

C. The Sheriff of New Kent County, Virginia may dispose of unclaimed bicycles and mopeds in the possession of the Sheriff's Office or any law enforcement agency of New Kent County for more than thirty days by retention of the item or by public sale or by donation of such items to a charitable organization in accordance with § 15.2-1720 of the Code of Virginia, 1950 as amended. If such bicycles and mopeds are to be retained or disposed of by public sale, the provisions of paragraph B hereof relating to sale or retention of other unclaimed property shall apply.

D. The Sheriff of New Kent County, Virginia may dispose of unclaimed firearms or other weapons in accordance with §15.2-1721 of the Code of Virginia, 1950 as amended.

This ordinance becomes effective immediately.

R. J. Emerson, Jr.
County Administrator

Frederick G. Bahr
Chairman