

**ADOPTED**

**NOV 09 2021**

**Board of Supervisors  
James City County, VA**

ORDINANCE NO. 55A-59

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 2, SPECIFIC OFFICERS, SECTION 2-16.2, DUTY OF CHIEF OF POLICE CONCERNING ABANDONED OR UNCLAIMED TANGIBLE PERSONAL PROPERTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Article IV, Officers and Employees, Division 2, Specific Officers, Section 2-16.2, Duty of chief of police concerning abandoned or unclaimed tangible personal property.

**Chapter 2. Administration**

**Article IV. Officers and Employees**


**Division 2. Specific Officers**

**Sec. 2-16.2 Duty of chief of police concerning abandoned or unclaimed tangible personal property.**

- (a) Disposition generally. The chief of police is authorized to provide for the (i) public sale or (ii) the retention for use by the county law enforcement agencies of any unclaimed personal property which has been in possession of the county law enforcement agencies and unclaimed for a period of more than 60 days. As used herein, "unclaimed property" shall be defined to include 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.
- (b) Public sale. Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, or his designee, shall make reasonable attempts to notify the rightful owner of the property, obtain from the commonwealth's attorney a written 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 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 costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale shall be paid from the proceeds of the sale. The balance of the proceeds shall be held by the chief of police, or his designee, for the owner and paid to such individual upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of James City County and shall be retained only if, in the opinion of the chief of police, 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.

~~In the event~~ If no claim ~~has been~~ made by the owner for the property or for the proceeds of the sale within 60 days of the sale, the ~~after-costs~~ remaining funds ~~proceeds~~ shall be deposited in the general fund of the county and the retained property may be placed in to use by the law-enforcement agency. Any owner shall be entitled to apply to the county within three years from the date of sale and, if timely application is made therefor and the satisfactory proof of ownership of the funds or property is made, for the ~~after-cost~~ ~~proceeds of the sale~~. If such a timely application is made, the county shall pay the remaining proceeds of the sale or return the property monies properly due to the owner without interest or other ~~additional~~ charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such ~~monies~~ funds or property after three years from the date of sale.

State law reference(s) - Code of Va., § 15.2-1719 - Authority to dispose of unclaimed property in possession of sheriff or police.

  
 Michael J. Hipple  
 Chairman, Board of Supervisors

ATTEST:

  
 Teresa J. Fellows  
 Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2021.