

**ORDINANCE NO. 96-1  
DISPOSAL OF UNCLAIMED PROPERTY IN POSSESSION OF SHERIFF**

**ARTICLE I - Disposal of Unclaimed Property in Possession of Sheriff**

The Sheriff of Wythe County is authorized to sell by way of public auction unclaimed personal property which has been in the possession of the Sheriff's Department for more than sixty (60) days.

**ARTICLE II - Unclaimed Personal Property, Definition**

"Unclaimed personal property" is 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 (Section 55-210.1 et seq., Code of Virginia).

**ARTICLE III - Procedure for Sale**

Prior to the sale of any unclaimed item, the Sheriff or his duly authorized agent shall make reasonable attempt to notify the rightful owner of the property, obtain from the Commonwealth Attorney, 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 (2) successive weeks a notice that there will be a sale of unclaimed personal property. Such property shall be described generally in the notice together with the date, time, and place of sale.

**ARTICLE IV - Disposal of Proceeds**

The Sheriff or his duly authorized agent shall pay for the proceeds of such sale, the costs of advertisement, removal, storage, investigation and liens, and notice of sale. The balance of the funds shall be held for the owner and paid to the owner upon satisfactory proof of ownership.

If no claim has been made by the owner for the proceeds of such sale within sixty (60) days after the sale, the remaining funds shall be deposited in the general fund of the County.

**ARTICLE V - Claim of Owner**

Any owner shall be entitled to apply to the County within three (3) years from the date of the sale and, if timely application is made therefor, the County shall pay the remaining proceeds of the sale to the owner without interest or other charges. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds after three (3) years from the date of sale.

**ARTICLE VI - Effective Date**

This ordinance was duly considered following a required public hearing held on March 5, 1996, and was adopted by the Board of Supervisors of Wythe County, Virginia at its regular meeting held on March 19, 1996, the members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charles S. Dix	X		
Mark C. Munsey	X		
R. T. DuPuis	X		
S. Clay Lawrence	X		
Giles C. Rose	X		
Harvey E. Atkinson, III	X		
Wythe B, Sharitz	X		

This ordinance shall be effective on and after 12:01 a.m. on March 20, 1996.

I certify this is a true and correct copy taken from the March 19, 1996, minutes of the Wythe County Board of Supervisors.

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Billy R. Branson, Clerk