

## PROPOSED ORDINANCE

### Proposed by: Town Attorney

A proposed ordinance to amend Chapter 2, Administration, of the Code of the Town of Vienna, adding a new Article 7 and new Section 2-69 to 2-71 to establish procedures for the disposition and disposal of property acquired by a Law-Enforcement Officer pursuant to his duties or seized by the police in accordance with Virginia Code §15.2-1719 (1950 as amended).

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA  
THAT:

**Section 1:** The Town Code, Chapter 2 be amended, adding new Article 7, Disposition of Property Acquired by a Law-Enforcement Officer pursuant to his duties or Seized by Police, and adding new Sections 2-69 to 2-71 to the Code of the Town of Vienna and to read as follows:

*Article 7, Section 2-69 to 2-71 - Disposition of Property Acquired by a Law-Enforcement Officer pursuant to his duties or Seized by Police.*

*Section 2-69. - Property acquired by a Law-Enforcement Officer pursuant to his duties or seized by police; disposition and manner of public auction in accordance with Virginia Code 15.2-1719 (1950 as amended).*

*Except where notice and publication is not specifically required, in accordance with Virginia Code 15.2-1719 and the duly adopted Vienna Police Department General Order 84.1.7 Final Disposition of Property, whenever the Vienna Police Department desires to sell property seized or taken possession thereof, the Chief of Police or his agent shall publish or cause to be published, in two (2) or more newspapers published or having general circulation in the County of Fairfax, a description of such property and shall give notice that if such property be not claimed by the rightful owner thereof within thirty (30) days from the initial date of such publishing such property will be sold through PropertyRoom.com, an authorized web based auction site.; provided, however, that all such unclaimed property of use to the Town may be retained for the use of the Town.*

*Section 2-70. - Sale or donation of unclaimed bicycles.*

*Any bicycle not necessary to any court action seized or taken into possession by the Police which has been in the possession of the Police Department, unclaimed, for more*

*than thirty (30) days (as set forth in Town of Vienna Code Section 2-69) may be sold through PropertyRoom.com, an authorized web based auction site, or at public auction or donated to a charitable organization, provided more than thirty (30) days have passed since the Chief of Police or his agent has caused to be published at least once a week for two (2) successive weeks in newspapers of general circulation within the County, a description of the bicycle. Where a bicycle seized or taken into possession by the Police Department is necessary to court action, the above time periods shall begin to run as of the date of final disposition of said action.*

*Section 2-71. - Property Acquired by a Law-Enforcement Officer pursuant to his duties or seized by police; disposition of proceeds of sale of property.*

*The proceeds of any sale made as provided in Section 2-69-70 shall be paid into the Town treasury and credited to the Town of Vienna General Fund or may be paid into a dedicated fund maintained by the Vienna Police Department for a Crime Solvers' Program.*

**Section 2:** This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Laurie A. DiRocco, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

c:SDB\Ordinances\DispositionofSeizedProperty Final 09 24 2015