

# COMMON COUNCIL



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*I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 11<sup>th</sup> day of February 2016 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 9<sup>th</sup> day of February 2016.*

## **AN ORDINANCE TO AMEND ARTICLE 20 SECTION 25 OF THE WINCHESTER CITY CODE PERTAINING TO FOUND PROPERTY**

**WHEREAS**, the Winchester Police Department wishes to improve their service to the community by being as efficient as possible; and

**WHEREAS**, the current Code on Found Property has been found to be ambiguous; and

**WHEREAS**, the City strives to serve its citizen in the most straightforward and professional fashion; and

**WHEREAS**, the Common Council for the City of Winchester believes that the implementation of such changes will be of benefit to the citizens of the City of Winchester.

**NOW therefore be it ORDAINED** that Article 20 Section 25 of the Winchester City Code be amended as follows:

(c) Should the property be of value and the owner can be ascertained, it shall be turned over to such owner upon the payment of all costs incurred by the Chief of Police incident to the removal and preservation of such property.

1. The Chief of Police or his designee shall make reasonable attempts to notify the rightful owner of the property and such property shall be held by the police department, awaiting a claim by the rightful owner, for at least sixty (60) days. Whenever such other property turned over to the police department remains unclaimed by the rightful owner thereof for at least sixty (60) days, and there is no law enforcement justification to hold the property (the property is not evidence or determined to be fruits of a crime), the police chief or his designee shall give notice of such fact to the finder of such property at the finder's last known address. The finder shall be allowed thirty (30) days from the date of such notice from the police chief or his designee to claim such property. Funds or property that are subject to asset forfeiture

under State or Federal Law are excluded from the application of this Ordinance.

2. When the Chief of Police or his designee has determined that the owner of such property cannot be ascertained and that the finder has not claimed, or has not indicated any intention of claiming, such property within thirty (30) days from the date of such notice, he shall dispose of such property as hereinafter provided.

(d) If such property consists of currency, coin or negotiable securities, it shall be turned over by the Chief of Police or his designee to the City Treasurer, who shall credit the same to the general fund of the City if the currency, coins or negotiable securities are not claimed by the rightful owner or finder. If there is a legitimate claimant the Treasurer will turn these funds over to that claimant at the direction of the Chief of Police in accordance with City Code 20-25 (c) 1.

STRIKEOUT - REMOVED  
UNDERLINE - ADDED

**Ordinance No. 2016-2**

**ADOPTED by the Common Council of the City of Winchester on the 9<sup>th</sup> of February 2016.**

***Witness my hand and the seal of the City of Winchester, Virginia.***

*Kari J. Van Diest, CMC  
Deputy Clerk of the Common Council*