

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL CREATING A NEW SECTION 3-1-9.1 OF THE NORTH OGDEN CITY CODE REGULATING THE DISPOSAL BY THE NORTH OGDEN POLICE DEPARTMENT OF PROPERTY HELD AS EVIDENCE OR AS UNCLAIMED PROPERTY

WHEREAS: the City Council of the North Ogden City finds that the North Ogden Police Department has need to dispose of property held as evidence after it is no longer needed for a criminal prosecution and to dispose of unclaimed property after effort to locate the rightful owner has failed; and

WHEREAS: the City Council finds that it is necessary to create a procedure for disposal of unneeded evidence and unclaimed property that complies with the requirements of state law,

NOW THEREFORE, BE IT ORDAINED that a new Section 3-1-9.1 “Disposal of Property in Police Custody” of the City of North Ogden City Code is enacted to read as follows:

TITLE 3 – REVENUE AND FINANCE:

Chapter 1: PURCHASING:

3-1-9.1: DISPOSAL OF PROPERTY IN POLICE CUSTODY:

- A. Purpose. The purpose of this section is to provide a procedure, that complies with state law, for the City to follow when disposing of property held as evidence after it is no longer needed in a criminal prosecution and unclaimed property when effort to find the rightful owner fails.
- B. Disposal Schedule. As often as it deems necessary, but no less than once annually, the Police Department shall prepare a list of property no longer needed as evidence and a separate list of unclaimed property. The lists shall contain the following information:
 - 1. A general description of each item of property.
 - 2. The name and address of the owner of each item of property, if known.
- C. Property Held As Evidence. Prior to disposal of property, other than weapons, contraband and property with no intrinsic value, held as evidence, the Police Department shall do the following:
 - 1. Provide twenty (20) days advance notice to the prosecutor assigned to the case for which the property held as evidence was kept of the City’s intent to dispose of the property.
 - 2. Exercise due diligence in attempting to locate the owner, if known, of the property.
 - a. Due diligence shall consist of sending notice, by regular mail, to the last known address of the owner of the property, giving the owner twenty (20) days to claim the property.

3. If after twenty (20) days the prosecutor fails to object to the disposal of the property and the owner of the property either cannot be located or fails to claim the property, the Police Department shall dispose of the property as provided in paragraph F of this section.

D. Weapons, Contraband and Items of No Intrinsic Value Held as Evidence. When the evidence to be disposed of consists of a weapon, contraband or has no intrinsic value, the Police Department shall dispose of the property as follows:

1. If a weapon was used in the commission of a crime the Police Department shall:
 - a. notify the owner as provided in paragraph C of this section if the owner of the weapon was not involved in the commission of the crime.
 - b. if the owner of the weapon was involved in the commission of the crime, the Police Department may destroy the weapon or dispose of it as provided in paragraph F of this section.
 - c. if the property consists of contraband, the Police Department shall destroy it.
 - d. If the property has no intrinsic value, the Police Department shall destroy it.

E. Unclaimed Property. The Police Department may accept for safekeeping property which is lost or found for which the owner can be readily identified and property for which the owner cannot be readily identified, if the property has an estimated fair market value in excess of \$50, and dispose of the property according to the following procedures:

1. The Police Department shall take reasonable steps to notify the owner of the property.
 - a. reasonable steps shall consist of notifying citizens by way of the Police Department website that the Police Department maintains a “lost and found” for unclaimed property ;and
 - b. if no claim for the property is made after holding the item for three (3) months, publishing a notice containing a general description of the item and the date of intended disposal in a newspaper of general circulation or other medium as provided by state law.
2. If after nine (9) days from the posting of the notice described in paragraph 1(b) the owner of the property fails to claim the property, the Police Department shall notify the person who turned in the unclaimed property who may take possession of the property subject to the following:
 - a. Pay the fee for storage and advertising of the item in the amount established in the consolidated fee schedule.
 - b. Sign a receipt for the item.
3. If after following the procedures outlined in this paragraph, no one makes claim for the item of property, the Police Department shall dispose of the unclaimed property as provided in paragraph F of this section.

F. Disposal of Unneeded Evidence and Unclaimed Property. When the owner of unneeded evidence and unclaimed property fails to make claim for the property after the Police Department has followed the procedures outlined in this section, the Police Department is authorized to sell the property using any reasonable method or means approved by the City Manager in consultation with the City Finance Officer and the proceeds from the sale are to be credited to an unclaimed property revenue account.

This Ordinance shall take effect upon the first publication and filing of a copy thereof in the office of the City Recorder.

PASSED AND ADOPTED this 8th day of March, 2011.

NORTH OGDEN CITY:

Richard G. Harris, Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bigler:	___	___
Council Member Flamm:	___	___
Council Member Harris:	___	___
Council Member Taylor:	___	___
Council Member Turner:	___	___
(In the event of a tie vote of the Council):		
Mayor Harris:	___	___

ATTEST:

S. Annette Spendlove, CMC
City Recorder