

ORDINANCE NO. _____

AN ORDINANCE GOVERNING THE DISPOSITION OF SEIZED, FORFEITED, OR UNCLAIMED PROPERTY

WHEREAS, the Town of Ocean View recognizes the need to establish clear guidelines for the disposition of property that is seized, forfeited, or turned into the Ocean View Police Department; and

WHEREAS, it is in the best interest of the Town and its residents to provide a structured process for managing such property, including its use for municipal purposes or lawful disposition.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Ocean View, Delaware, as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to provide for the handling, retention, and disposal of personal property that comes into the custody of the Ocean View Police Department through seizure, forfeiture, or abandonment when the rightful owner cannot be located.

SECTION 2: DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the meanings assigned:

1. **Seized Property** – Property taken into custody by the Ocean View Police Department pursuant to a lawful seizure.
2. **Forfeited Property** – Property that has been forfeited to the Ocean View Police Department pursuant to applicable federal, state, or local laws.
3. **Unclaimed Property** – Property that has come into the custody of the Ocean View Police Department and remains unclaimed by its rightful owner for a period of six (6) months after custody is taken.
4. **Town** – The Town of Ocean View, Delaware.
5. **Chief of Police** – The Chief of Police of the Ocean View Police Department or their designee.

SECTION 3: RETENTION AND DISPOSITION OF PROPERTY

A. Retention Period and Disposal of Seized Property and Forfeited Property.

1. Any Seized Property or Forfeited Property that comes into the custody of the Ocean View Police Department shall be retained for a minimum period of **six (6) months or for the period required by the federal or state law applicable to the Seized Property or the Forfeited Property, whichever is lesser (the “Retention Period”)**.

2. Seized Property or Forfeited Property shall be disposed of in accordance with the federal or state law applicable to the Seized Property or the Forfeited Property. Otherwise, such Seized Property or Forfeited Property shall be disposed of in accordance with the procedure for Unclaimed Property.
3. During this period, reasonable efforts shall be made to locate and notify the rightful owner, including a review of public records and applicable databases.
4. If the property is of the kind requiring title or registration, notice shall be sent by registered mail to the last known owner, lienholder, or registrant at least **ten (10) days** prior to final disposition.

B. Retention Period for property and Disposal of Unclaimed Property.

1. Any property that comes into the custody of the Ocean View Police Department shall be retained for a minimum period of six (6) months unless it is perishable or otherwise dangerous to human health.

2. Unclaimed Property may be disposed of by the Ocean View Police Department as follows:

1. **Use by the Police Department:** If the property is suitable for law enforcement purposes, the Chief of Police may authorize its retention for official police use.
2. **Use by Other Town Departments:** If the property is deemed useful for other Town departments, the Chief of Police may authorize its transfer to another Town, with approval from the Town Manager.
3. **Monetary Assets:**
 - a. Any Unclaimed Property in the form of cash or any proceeds from the sale of Unclaimed Property shall be deposited with the Town's Finance Department in an account designated for use by the Ocean View Police Department as approved by the Town Manager.
 - b. Such funds shall be utilized for law enforcement purposes in accordance with applicable laws and financial regulations.
4. **Sale or Auction:** Any property not retained for the Town's use or donated shall be disposed of through public sale or auction. The proceeds shall be deposited and used in accordance with Section 3 (B) (3) above.
5. **Donation to Church or Public Charity:** If the property is deemed useful for a local church or public charity, the Chief of Police may authorize its transfer to a local church or public charity as approved by the Town Manager.

6. **Contraband or Hazardous Items:** Items that are illegal to possess, unsafe, or of zero or nominal value shall be destroyed in accordance with federal, state, and local laws.

SECTION 4: CLAIMS FOR PROPERTY

1. Any person claiming ownership of property in police custody may file a claim with the Ocean View Police Department within the Retention Period.
2. Claimants must provide proof of ownership or entitlement, subject to verification by the Chief of Police.
3. If a claim is approved, the property shall be returned upon proper documentation and identification.

SECTION 5: RECORD KEEPING

1. The Ocean View Police Department shall maintain a **record** of all Seized Property, Forfeited Property, and Unclaimed Property, including a description, serial numbers (if applicable), date of custody, and disposition details.

SECTION 6: LIABILITY AND IMMUNITY

Nothing in this Ordinance shall be construed to create liability of any kind whatsoever on behalf of the Town of Ocean View, the Ocean View Police Department, or any of its officers or employees for the retention or disposition of property under this Ordinance.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption.

TOWN COUNCIL OF OCEAN VIEW

By: _____
Mayor

{Seal}

Attest: _____
Town Clerk

Introduction:
First Reading:
Second Reading:
Adopted:

137
138
139
140

Synopsis

The purpose of this ordinance is to create procedures for retention and disposition of forfeited or seized property that is not otherwise governed by federal or state law and to create procedures for retention and disposition of unclaimed property.