

ORDINANCE NO. 2013-04

AN ORDINANCE AMENDING CHAPTER 50, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE ORDINANCES OF THE VILLAGE OF STICKNEY, ILLINOIS BY ADDING SECTIONS, 50-144, 50-145, 50-146, 50-147, 50-148, 50-149 AND 50-150.

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT AS FOLLOWS:

WHEREAS, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village wishes to establish a policy to dispose of lost, stolen or seized property; and

WHEREAS, the Village has deemed it necessary to establish guidelines for its Police Department to follow to dispose of lost, stolen or seized property; and

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS.

Section 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Adoption. Chapter 50, Article IV, of the Municipal Code of the Village of Stickney shall be amended by adding Sections 50-144, 50-145, 50-146, 50-147, 50-148, 50-149, and 50-150, which will read as follows:

Sec. 50-144. – Custodian Appointed.

The police chief shall appoint one (1) of the officers in the police department to act as custodian of all personal property seized, taken or received by members of the police department in the performance of their duties.

Sec. 50-145. – Delivery to custodian.

All officers and members of the police department into whose possession may come any property seized or taken, shall deliver the same to the custodian unless it is wanted for immediate use as evidence in any case. In that event a report and inventory of the same shall be forwarded at once to the custodian.

Sec. 50-146. – Return to owner.

The custodian shall keep a record of all property which may be seized or otherwise taken possession of by the police department. If such property shall not be claimed by the rightful owner thereof and possession surrendered to such owner upon demand within thirty (30) days of the date of the final disposition of the court proceedings in connection with such property as was seized or otherwise was taken possession of or, in case there are no court proceedings, then if such property shall not be claimed by the rightful owner and possession surrendered to such owner upon demand within thirty (30) days from the date of seizure or taking possession by the police, the custodian may proceed to dispose of the property in accordance with this article. The custodian shall have the right to demand reasonable and satisfactory proof of ownership or right to possession and shall also have the right to demand reimbursement to the Village for all reasonable expenses of such custody.

Sec. 50-147. – Lost or unclaimed property.

In all cases where any lost or unclaimed property is delivered into the custody of the police department by any person not the owner thereof, the property shall, at the end of the 30-day period, be delivered to the finder for purposes of disposition by the finder as provided in 765 ILCS 1020/27–1020/36. At the option of the finder, the Village may for its own account proceed to dispose of the property in accordance with the provisions of Illinois Compiled Statutes.

Sec. 50-148. – Sale or destruction of unclaimed property.

The custodian shall cause to be sold all property, except currency, not claimed within the time period set forth in Section 50-146 in the following manner:

- (1) The custodian shall first cause to be published in a newspaper of the Village a notice of sale by public auction of such property, describing in general terms and not by individual item, and shall give notice that if such property is not claimed by the rightful owner thereof within ten (10) days of the date of such publication, such property will be sold at a public auction at such place as the police chief may direct, and in such manner as to expose to the inspection of bidders all property so offered for sale.
- (2) The notice shall also be posted in a conspicuous place at Village Hall.
- (3) Any unclaimed property, after the date set forth in the notice referred to above, if deemed by the police chief to be of use to any Village department, may be retained for use of such department.
- (4) Any unclaimed property deemed by the custodian to be unsalable shall be confiscated and destroyed.

Sec. 50-149. – Disposition of sale proceeds.

Proceeds of sale made pursuant to this article shall become the property of the Village after deducting the cost of storage, advertising, selling, fees, and other expenses incident to the handling and/or selling of such property, and shall be deposited in the Village treasury to be used for any general corporate purposes.

Sec. 50-150. – Disposal of weapons.

None of the proceedings set forth in the preceding sections of this article shall apply to pistols, revolvers, knives, slingshots, metallic knuckles or other deadly weapons of like character. All of such weapons except those that the police chief shall deem to be of use to the police department and retained for the use of the department shall, within six (6) months after their receipt, be destroyed by the custodian.

Section 3. Home Rule. This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

Section 5. Conflicts. This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Certification and Publication. The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois this 2nd day of April, 2013.

AYES: Trustee Horne, Morelli, Savopoulos, Torres, Walik and White

NAYS: _____

ABSENT: _____

ABSTAIN: _____

APPROVED by me this 3rd day of April, 2013

President Daniel A. O'Reilly of the Village
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,
and published in pamphlet form
this 3rd day of April, 2013.

Audrey McAdams
Clerk of the Village of Stickney, Cook County, Illinois