

ORDINANCE NO. 16-08

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 22 - LAW ENFORCEMENT, ARTICLE II - POLICE, BY ADDING NEW SECTIONS PERTAINING TO THE DISPOSAL OF UNCLAIMED PROPERTY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR RENUMBERING OR RELETTERING; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 17-5-54 was rewritten effective July 1, 2015, to provide for the disposal of unclaimed property by municipal corporations; and

WHEREAS, this Code Section does not apply to personal property which is the subject of any civil forfeiture proceeding, any property subject to disposition pursuant to O.C.G.A. § 17-5-50 through 17-5-53, and abandoned vehicles; and

WHEREAS, the Waycross Police Department is in dire need of procedure for the disposition of personal property in its custody and control; and

WHEREAS, the issue has been duly considered by the Commission of the City of Waycross, Georgia.

NOW THEREFORE, BE IT ORDAINED by the Commission of the City of Waycross, Georgia and it is hereby ordained by the authority of the same as follows:

SECTION 1. The City of Waycross Code of Ordinances, Chapter 22, Article II, is hereby amended by adding the following sections:

Sec. 22-19. Personal property in possession of police department.

All personal property, not including firearms, motor vehicles and bicycles, coming into the possession of the police department from any source which has been abandoned by its owner, where the owner is unknown, where the owner cannot be located or where the owner has not responded within 90 days to notice given by the police department for the owner to claim and take possession of said personal property, wherein the item is not contraband and has no foreseeable evidentiary value, shall be considered abandoned property and disposed as herein provided in this article.

Sec. 22-20. Attempt to locate owner.

Due diligence will be made to locate the rightful owner of any personal property coming under the provisions of this article and to give notice to the owner to claim and take possession of personal property in the possession of the police department. "Due diligence" means, but shall not

be limited to, the mailing of a letter by first-class mail to the last known address of the owner as indicated in the incident report.

Sec. 22-21. Disposition of abandoned property.

Any personal property, not a firearm, motor vehicle or bicycle, in the possession of the police department which is abandoned, where the owner is unknown or not claimed by its owner within 90 days after notice has been sent by first-class mail to the owner shall be disposed as provided by O.C.G.A. § 17-5-54 (e) or other applicable law of this state.

Sec. 22-22. Records.

Records will be maintained showing the manner in which each item came into possession of the police department, a description of the property, all efforts to locate the owner, any case or docket number, the date of publication of any newspaper notices, and the date of the sale, if any.

Sec. 22-23. Bicycles.

Bicycles which may come into possession of the police department as a result of being abandoned or recovered shall be kept for a period of 90 days, and every reasonable effort will be made to determine the owner thereof. If, after 90 days, it cannot be determined to whom the bicycle rightfully belongs and there has been no claim for such bicycle, the bicycle may be donated to any non-profit organization or non-profit group making a request for such to the chief of police, upon the consent of the city commission or shall be disposed as provided by O.C.G.A. § 17-5-54 (e) or other applicable law of this state.

Section 22-24. Records on bicycles.

Records shall be kept on such bicycles as to when and how acquired, and when and to whom disposition was made, and proper receipts shall be obtained by the police department.

Sec. 22-25. Firearms.

Any firearm coming into the possession of the police department from any source which has been abandoned by its owner, where the owner is unknown or where the owner has not responded within 90 days to notice given by the police department for the owner to claim and take possession of said firearm, wherein the firearm has no evidentiary value, shall be considered an

abandoned firearm and disposed as provided hereinafter. Notice to any owner to claim and take possession of said firearm shall be given as provided in Section 22-20 of this article.

Sec. 22-26. Disposition of firearms.

Any abandoned firearm in the custody of the police department shall be disposed as provided by O.C.G.A. § 17-5-54 (g) or other applicable law of this state.

SECTION 2. This Ordinance shall take effect and be enforced from and after the date of its final approval after second reading by the Commission of the City of Waycross, Georgia.

SECTION 3. If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

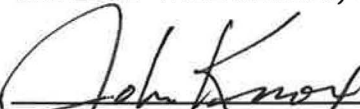
SECTION 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become part of the Code of the City of Waycross, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

SECTION 6. The Commission of the City of Waycross, Georgia, hereby finds and declares an emergency exists pursuant to Section 1-7 of the Code of the City of Waycross, Georgia, so that this Ordinance may be read twice at one meeting and passed.

SO ORDAINED, this 7th day of June, 2016.

CITY OF WAYCROSS, GEORGIA

BY:


JOHN KNOX, MAYOR

ATTEST:



JULIE DINKINS, CLERK

Read First Time: June 7, 2016

Read Second Time and Approved: June 7, 2016