

**Record of Ordinance**

**Ordinance No.: 2012-10**

**Passed: \_\_\_\_\_, 2012**

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**AN ORDINANCE GRANTING THE CHIEF OF POLICE THE AUTHORITY TO DISTRIBUTE UNCLAIMED PROPERTY TO PUBLIC AGENCIES OR NONPROFIT ORGANIZATIONS AND TO CREATE SECTION 248.13 (C) OF THE CODE OF VILLAGE ORDINANCES.**

**WHEREAS**, during its normal duties the Police Department for the Village of West Lafayette, Ohio has in its possession unclaimed property more than the ninety (90) days; and

**WHEREAS**, the Board of Coshocton County Commissioners no longer conducts an annual auction to dispose of said items; and

**WHEREAS**, Section 737.32 of the Ohio Revised Code and Section 248.13 (a) and (b) Code of Village Ordinances give the Chief of Police the authority to dispose of unclaimed property but an ordinance is needed to donate said property to a non-profit entity or political subdivision of this State; and

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of West Lafayette, Coshocton County, Ohio that:

- Section 1:** The Chief of Police for the Village of West Lafayette, Ohio is given the authority to dispose of unclaimed property subject to the requirements of Section (a), (b), and (c) of this ordinance. Unclaimed property shall be defined as that tangible or intangible personal property which comes into the possession of the Police Department as lost, stolen, or abandoned where no owner can reasonably be determined or no owner claims it within the time provided by State law and this ordinance.
- Section 2:** Unclaimed property to be disposed of in accordance with Section (c) of this ordinance shall not be disposed of without the same notice requirements of Section (a) and (b).
- Section 3:** Any request to receive unclaimed property from a political sub-division of the state shall be honored before any other request in Section 248.13 (c).
- Section 4:** Unclaimed property may be distributed to a non-profit organization satisfying section 501(C) (3) or (C) (19) of the Internal Revenue Code of 1986 if no request has been made from a political subdivision of the State to receive said property.
- Section 5:** No distribution to any organization may benefit any private shareholder or individual and no distribution shall be made to an organization if a substantial part of its activities consists of carrying on propaganda or otherwise attempting to influence legislation.
- Section 6:** All proceeds of the sale of unclaimed property shall be paid to the Fiscal Officer of the Village of West Lafayette, Ohio who shall deposit the proceeds into the general fund.
- Section 7:** This Section shall hereafter be known as West Lafayette Code of Ordinance Section 248.13 (c). Section 248.13 (a) and (b) shall remain in full force and effect.

**WHEREFORE**, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

First Reading: \_\_\_\_\_ Date

Second Reading: \_\_\_\_\_ Date

Third Reading: \_\_\_\_\_ Date

PASSED IN COUNCIL THIS \_\_\_\_ day of \_\_\_\_\_ 2012

\_\_\_\_\_  
Jack L. Patterson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa Stiteler, Fiscal Officer/Clerk

\_\_\_\_\_  
William M. Owens  
Solicitor for the Village of West Lafayette, Ohio

**CERTIFICATE OF POSTING**

I hereby certify that the foregoing Ordinance was posted according to law this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Fiscal Officer/Clerk