

ORDINANCE NO. 2601

**AN ORDINANCE
SUPPLEMENTING AND AMENDING
ARTICLE IV OF CHAPTER 14 OF THE RANTOUL CODE**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 12th day of February, 2019, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.



Village Clerk

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ARTICLE IV OF CHAPTER 14 OF THE RANTOUL CODE

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. ARTICLE IV, entitled "DISPOSITION OF PROPERTY", of CHAPTER 14, entitled "FINANCE", of the Rantoul Code, as supplemented and amended, be and the same is hereby supplemented and amended to provide as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law.

Section 3. Conflict. All other ordinances or parts of other ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

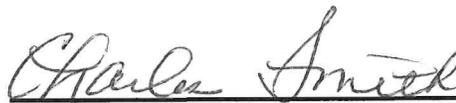
This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a special meeting on the date set forth below.

PASSED this 12th day of February, 2019.



Village Clerk

APPROVED this 12th day of February, 2019.



Village President



ARTICLE IV. - DISPOSITION OF PROPERTY

Sec. 14-105. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of Police means the duly appointed and acting chief of police of the village, including any other police officer of the village who is designated by the chief of police to exercise some or all of the powers, duties or functions assigned to the chief of police in this Article.

Evidence property means any tangible personal property, including currency, which was seized by a law enforcement agency, was intended for use in a criminal or quasi-criminal proceeding, and is retained by the police department to which no claim of ownership has been made.

In-Custody property means any tangible personal property which is held in police custody which has been turned in or held for safekeeping, and is not believed to be connected to, or part of, a criminal or quasi-criminal offense.

Lost or abandoned property means all tangible personal property which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public.

Surplus property means any personal property owned by the village that is no longer necessary or useful to the village because of obsolescence, wear, economic infeasibility of repair or other unsuitability for public use.

Sec. 14-106. - Authority to sell or dispose of surplus property.

(a) The purchasing director is hereby authorized to sell or otherwise dispose of any item of surplus property owned by the village where the estimated value of any such item of surplus property is \$5,000.00 or less. Prior to such sale or disposition, the administrative officer shall declare in writing that any such item is surplus property and no longer necessary or useful to the village. The sale or other disposition may be by negotiated sale, bid, trade, auction or in such other manner authorized by the administrative officer as is in the best interest of the village and will achieve the highest price that can reasonably be expected to be achieved. Any such disposition may include converting such surplus property into some other form which is useful to the village, to trade the surplus property for other personal property, or to use such surplus property as a trade-in, a credit or part payment upon the purchase of other personal property. The administrative officer shall report periodically to the president and board of trustees any such sales or other dispositions.

(b) Any item of surplus property valued at more than \$5,000.00 shall be sold or otherwise disposed of by ordinance in such manner as the president and board of trustees may designate, with or without advertising for a competitive bid.

Sec. 14-107 – Notification of owner.

- (a) Upon receiving lost or abandoned property, the chief of police shall make a reasonable effort to identify the true and lawful owner of such property. If a true and lawful owner of such property is identified, the chief of police shall contact that person by certified mail and inform them of the property held, the date of recovery and the possibility of impending sale or disposal if the property remains unclaimed after six (6) months.
- (b) The police department will maintain in-custody property for safekeeping for a period of ninety (90) days. After ninety (90) days, the chief of police shall contact the owner, if known, by certified mail and inform them of the property held, the date the department received the property and the possibility of impending sale or disposal if the property remains unclaimed after sixty (60) days.
- (c) The police department will maintain evidence property until the conclusion of the criminal proceedings and applicable appeal time-limit, or until the property being held has no evidentiary value. The chief of police shall contact the owner, if known, by certified mail and inform them of the property held, the date of recovery and the possibility of impending sale or disposal if the property remains unclaimed after sixty (60) days.

Sec. 14-108 – Owner may claim property or money

Such property shall be restored to a claimant who presents evidence of ownership satisfactory to the Chief of Police, upon payment of all reasonable costs of storage, care, and administrative processing. If a claimant's evidence of ownership is not satisfactory to the Chief of Police or designee, delivery of the property or money may be refused until ownership is established.

Sec. 14-109 – Finder may claim lost or abandoned property or money

If any person shall deposit with the police department money or any other personal property of value which has been deemed lost or abandoned, or otherwise come into the lawful possession of such person without ownership, the property may be received and held by the police department. The person delivering such property shall receive a receipt indicating the date the property is received and the nature of the property. If the rightful owner does not claim such property within six (6) months, the property shall be returned to the person who delivered the property to the police department.

Sec. 14-110 – Failure of owner to claim property.

- (a) If within six (6) months a claim is not made on lost or abandoned property, or if claim is made but not to the satisfaction of the chief of police, then the title to such

property shall be vested in the village pending disposition of property in accordance to Sec. 14-111.

- (b) If in-custody property has been held for ninety (90) days the owner will have sixty (60) additional days to claim the property. If within sixty (60) days a claim is not made, then the title to such property shall be vested in the village pending disposition of property in accordance to Sec. 14-111.
- (c) If evidence property has not been claimed after sixty (60) days of the conclusion of the criminal proceedings and any applicable appeal time-limit, or until the property being held has no evidentiary value, then the title to such property shall be vested in the village pending disposition of property in accordance to Sec. 14-111.

Sec. 14-111 – Disposition of unclaimed property.

- (a) Collectible currency, perishable property, and property with a value greater than \$100.00 that is not claimed shall be disposed of by the chief of police as follows:
 - (1) Retain the property for use by the village.
 - (2) Sell the property at a public sale or public auction, including any online auction site.
- (b) Collectible currency, perishable property, and property with a value less than \$100.00 that is not claimed shall be disposed of by the chief of police as follows:
 - (1) Retain the property for use by the village.
 - (2) Sell the property at a public sale or public auction, including any online auction site.
 - (3) Release the property to a charitable organization as defined in the Solicitation for Charity Act (225 ILCS 460/1(a)).
 - (4) Dispose of the property in accordance with any federal, state or local regulation.
- (c) Currency of any amount that is not claimed shall be deposited into the fine and forfeiture fund of the village to support the investigation and evidence functions of the police department.

Sec. 14-112 – Proceeds of sale.

The proceeds of any sale made under the provisions of this Section 14-111, after deducting the cost of storage, advertising, selling and other expenses incident to and the handling or selling of such property, shall be deposited into the fine and forfeiture fund of the village to support the investigation and evidence functions of the police department.

Sec. 14-113 – Indemnification.

Neither the Chief of Police nor any other police officer shall be liable in any action in law or equity for delivering the property to a person who has established his/her claim to the property to the satisfaction of the Chief of Police.