



## **PUBLIC HEARINGS**

# **Fluvanna County Board of Supervisors**

### **Wednesday, July 1, 2020 at 7:00 p.m.**

Pursuant to Virginia Code Section 15.2-1427, Public Hearings will be held in the Morris Room in the Fluvanna County Administration Building in Palmyra, Virginia for citizens of the County to have the opportunity to be heard by the Board of Supervisors for the following items:

#### **AN ORDINANCE TO AMEND SECTIONS 4-1-1 AND 8-5 OF THE FLUVANNA COUNTY CODE TO CONFORM TO THE RECODIFICATION OF TITLE 55 (NOW TITLE 55.1) OF THE CODE OF VIRGINIA, RELATING TO DECLARATION OF BOUNDARY LINES AS A LAWFUL FENCE AND DISPOSAL OF UNCLAIMED PERSONAL PROPERTY IN THE POSSESSION OF THE SHERIFF**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS that Sections 4-1-1 and 8-5 of the Fluvanna County Code be, and said Sections of the Fluvanna County Code are hereby, AMENDED, as follows:

##### **Sec. 4-1-1. Fence law declared.**

The boundary line of each lot or tract of land is hereby declared to be a lawful fence as to all of the animals mentioned in section 55.1-2814 of the Code of Virginia. The foregoing declaration shall not apply within the limits of any incorporated town.

##### **Sec. 8-5. - Disposal of unclaimed personal property in the possession of the Sheriff.**

Any unclaimed personal property which has been in the possession of the Sheriff and unclaimed for a period of more than sixty (60) days may be (i) sold at public sale in accordance with the provisions of this section or (ii) retained for use by the Sheriff. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (section 55.1-2500 et seq. of the Code of Virginia). Unclaimed bicycles and mopeds may also be disposed of in accordance with section 15.2-1720 of the Code of Virginia, and unclaimed firearms shall only be disposed of in accordance with section 15.2-1721 of the Code of Virginia after having been in the possession of the Sheriff and unclaimed for a period of more than 120 days.

Prior to the sale or retention for use by the Sheriff of any unclaimed item, the Sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the County once a week for two (2) successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the Sheriff, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The Sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the Sheriff shall become the property of the County and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the Sheriff and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the County and the retained property may be placed into use by the Sheriff. Any such owner shall be entitled to apply to the County within three (3) years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale.