

CODE OF FAIRFAX COUNTY: PROPERTY

ARTICLE 2. Disposal of Property

Section 2-2-1. Property seized by police; disposition generally; notice of sale.

(a) It shall be the duty of the Chief of Police to keep or cause to be kept a record of all property seized or otherwise taken possession of by the Police Department of the County. If, after sixty (60) days have elapsed from the date of possession of property acquired other than by seizure the property has not been claimed by the rightful owner thereof, the Chief of Police shall direct that such property be released to the possession of any person who found and delivered or caused the property to be delivered to the Police Department upon such person claiming said property within ten (10) days from the expiration of the initial sixty (60) day period, provided that such finder is not himself either a member of the Police Department or member of any such person's immediate family. Failure by the finder to claim said property within the ten (10) day period shall be deemed a waiver of any claim the finder may have to said property. Unclaimed property shall be treated as provided in Subsection (b) hereof.

(b) Property seized or otherwise taken possession of by the Police Department which is necessary to any court action and which is not claimed by the rightful owner thereof within sixty (60) days from the date of the final disposition of such court proceedings or by the finder within ten (10) days after the initial sixty (60) day period shall, within one (1) year from the expiration of the aforementioned seventy (70) days, be included on a list certified by the Chief of Police and forwarded to the County purchasing agent describing such property, showing the date of seizure or possession by the Police Department, and stating that the listed property is not necessary to any court action and that no person has claimed ownership thereof.

(c) Upon receipt of such list, the purchasing agent shall publish or cause to be published, in two (2) or more newspapers published or having general circulation in the County, a description of such property with the date of seizure or the taking possession thereof and shall give notice that if such property be not claimed by the rightful owner thereof within thirteen (13) days from the initial date of such publishing such property will be sold at public auction at such place as the purchasing agent may direct and in such a manner as to expose to the inspection of bidders all property so offered for sale; provided, however, that all such unclaimed property of use to the County may be retained for the use of the County.

(d) In addition to the publication of notice provided for in this section, the purchasing agent shall post or cause to be posted at the front door of the Circuit Court for the County of Fairfax a copy of the notice published in the newspapers, and shall make a record of the date when such publication and the posting of notice are made. If more than three (3) days have passed since the last date of such publication and posting and no claim for such property described in such notice shall have been made by the rightful owner thereof, the purchasing agent shall retain it for use by the County or proceed to sell such property at public auction.

(9-11-57, § 1; 1961 Code, § 17-8; 12-78-2.)