

ROCKBRIDGE COUNTY CODE

Chapter 18

LAW ENFORCEMENT

Art. I. In General, §§18-1--18-10

Art. II. Disposal of Unclaimed Property in Custody of Sheriff, §§18-11--18-17

ARTICLE I. IN GENERAL

Sec. 18-1. Line of Duty Act applicable in the county.

The Rockbridge County Board of Supervisors recognizes the Rockbridge County Sheriff's Office as being an integral part of the official safety program of the County.

Cross reference(s)--Similar provisions, §14-1.

Sec. 18-2. Designation of sheriff to enforce trespass violations.

The Sheriff is authorized to establish a procedure whereby the owner of real property may designate the Sheriff's Office as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises of the owner as specified in the designation. The procedure shall require that any such designation be in writing and on file with the Sheriff's Office.

State law reference(s)--Authority for adoption of ordinance, Code of Virginia §15.2-1717.1.

Sec. 18-3. Employment of off-duty police officers and deputy sheriffs.

Upon individual application to, and approval by the Sheriff, deputy sheriffs may engage in off-duty employment, including employment which may require such officers to use their police powers in the performance of such employment, subject to such rules, regulations and conditions applying to such off-duty employment as the Sheriff may prescribe.

(Sec. 3 Added by Ord. of 11-27-00)

Sec. 18-4. Courthouse and courtroom security fees.

A sum in the amount of twenty dollars (\$20.00) is hereby assessed as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or Ordinance. The assessment shall be collected by the Clerk of the court in which the case is heard, remitted to the Rockbridge County Treasurer, held by the Treasurer subject to appropriation by the Board of Supervisors to the Sheriff's Office for the funding of courthouse security personnel, and, if requested by the Sheriff, equipment and other personal property used in connection with courthouse security.

(Sec. 4 Added by Ord. of 7-22-02; Amended by Ord. of 5-29-07, to be effective July 1, 2007; Amended by Ord. of 6-22-20, to be effective 8-01-20)

State law reference(s)--Authority for adoption of ordinance, Code of Virginia, §53.1-120.

Sec. 18-5. Processing fee may be imposed on certain individuals.

A sum in the amount of twenty-five dollars (\$25.00) is hereby assessed on any individual admitted to the Rockbridge Regional Jail following conviction. The fee shall be ordered as a part of court costs collected by the Clerk and deposited into the account of the Rockbridge County Treasurer and shall be used by the regional jail to defray the costs of processing arrested persons into the regional jail.

(Sec. 5 Added by Ord. of 8-25-03, to be effective 9-01-03)

State law reference(s)--Authority for adoption of ordinance, Code of Virginia, §15.2-1613.1.

Sec. 18-6. Electronic summons system fee for criminal and traffic cases.

A. Pursuant to the provisions of Code of Virginia §17.1-279.1, as part of the costs in each criminal or traffic case in the district or circuit courts of Rockbridge County, every person who is convicted of a violation of any statute or Ordinance shall be assessed a fee of five dollars (\$5.00).

B. The fee shall be ordered as part of court costs, collected by the Clerk of the court in which the action is filed, remitted to the Treasurer of Rockbridge County, and held by the Treasurer subject to disbursement by the Board of Supervisors to the Rockbridge County Sheriff's Office solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

(Sec. 6 Added by Ord. of 6-27-16, to be effective 8-01-16)

Secs. 18-7--18-10. Reserved.

**ARTICLE II. DISPOSAL OF UNCLAIMED
PROPERTY IN CUSTODY OF SHERIFF**

Sec. 18-11. General responsibility of sheriff.

The Sheriff is hereby authorized and shall be responsible for the proper disposal of any unclaimed personal property which has been in the custody of the Sheriff's Office for a period of more than sixty (60) days. The Sheriff may cause such property to be sold at public sale or retained for use by the Sheriff's Office in accordance with the provisions of this Article and any applicable state law.

State law reference(s)--Code of Virginia §15.2-1719 et seq.

Sec. 18-12. Definitions.

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

“*Sheriff*” shall mean the Sheriff of Rockbridge County, or his duly authorized deputy, agent or designee.

“*Unclaimed firearms and other weapons*” shall mean any firearm or other weapon 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 Uniform Disposition of Unclaimed Property Act (§55-210.1, et seq., of the Code of Virginia, 1950, as amended).

“*Unclaimed personal property*” is 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 Uniform Disposition of Unclaimed Property Act (§55-210.1 et seq.).

Sec. 18-13. Prerequisites to sale.

Prior to the sale or retention for use by the Sheriff’s Office of any unclaimed personal property pursuant to this Article, the Sheriff shall:

- (1) Make reasonable attempts to notify the rightful owner of the property;
- (2) Obtain from the Commonwealth’s Attorney a written statement advising that the item is not needed in any criminal prosecution;
- (3) Determine that the State Treasurer would decline to accept the item if remitted under the Uniform Disposition of Unclaimed Property Act; and,
- (4) Give public notice, in a newspaper of general circulation in the County, once a week for two (2) successive weeks, that there will be a public display and sale of such unclaimed personal property. The notice shall include a general description of the unclaimed personal property, including items selected for retention by the Sheriff’s Office, together with the date, time and place of public display and sale. The unclaimed personal property shall be made available for public viewing at the sale.

Sec. 18-14. Disposition of proceeds; retention of property.

A. The Sheriff shall pay from the proceeds of any sale made pursuant to this Article the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of such funds shall be held by the Sheriff for the owner and paid to the owner upon satisfactory proof of ownership.

B. Any unclaimed item retained for use by the Sheriff's Office 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's Office and that retention of the item is a more economical alternative than purchase of a similar or equivalent item. No storage fee shall be charged or accounted for if such unclaimed item of property has been stored by and is to be retained by the Sheriff's Office.

C. If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days after 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's Office.

D. 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 to the owner or, if not sold, return the property in then "as is" condition to the owner, without interest or other charges or compensation.

E. 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.

Sec. 18-15. Disposition of currency, coin, etc.

If property coming under this Article consists of currency, coin or negotiable securities, it shall be turned over by the Sheriff to the County Treasurer who shall credit the same to the general fund of the County, subject to possible future claim as hereinabove provided.

Sec. 18-16. Disposition of unclaimed bicycles, electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices.

A. Whenever any bicycle, electric power-assisted bicycle, moped or electric personal assistive mobility device has been in the possession of the Sheriff and unclaimed for a period of more than thirty (30) days, the Sheriff may cause such unclaimed item to be sold at public sale in accordance with this Article, or may donate such unclaimed item to a charitable organization.

B. Any bicycle, electric power-assisted bicycle, moped or electric personal assistive mobility device, found and delivered to the Sheriff's Office by a private person, which thereafter remains unclaimed for thirty (30) days after the final date of publication, may be given to the finder; however, the location and description of the bicycle, electric power-assisted bicycle,

moped or electric personal assistive mobility device, shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation within the County. In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric power-assisted bicycle, moped or electric personal assistive mobility device, the record owner shall be notified directly.

State law reference(s)--Code of Virginia §15.2-1720.

Sec. 18-17. Destruction of firearms and other weapons.

A. Whenever unclaimed firearms and other weapons have been in the possession of the Sheriff for a period of more than sixty (60) days, the Sheriff, in his discretion, may destroy such unclaimed firearms and other weapons by any means which renders the firearms and other weapons permanently inoperable.

B. Prior to the destruction of such firearms and other weapons, the Sheriff shall comply with the provisions of §18-13.
(Article II Added by Ord. of 12-10-12)

State law reference(s)--Code of Virginia §15.2-1721.