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**ADMINISTRATION AND PERSONNEL**

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**2.04 Mayor**

**2.04.010 Duties generally**

The mayor shall perform such duties as may be required of him by the State statutes and this Code. He shall serve as the chief official of the Town for ceremonial purposes. He shall execute and authenticate by his signature such instruments as the board of trustees or any State statutes and this Code may require. He shall have only such other powers and duties as the board of trustees may confer upon him.

**2.04.020 Presiding officer—Voting**

The mayor shall preside at all meetings of the board of trustees and shall have the same voting powers as any member of the board. The mayor shall be considered a member of the board of trustees and shall be counted for purposes of determining a quorum and for the requisite majority on any matter voted on by the board.

**2.04.030 Mayor pro tem--Acting mayor**

At its first meeting following each biennial election, the board shall choose one of the trustees as mayor pro tem who in the absence of the mayor from any meeting of the board or during the mayor’s absence from the Town, or his inability to act, shall perform the duties of mayor. In the event of absence or disability of the mayor pro tem, the board may designate another of its members to serve as acting mayor during such absence or disability.

**2.04.040 Term of office--Vacancy--Compensation**

The mayor shall be elected for a two-year term of office at each biennial election. Should the office of mayor become vacant during his term of office for any reason, including becoming a non-resident of the Town, the board of trustees pursuant to State statutes may select and appoint from among its members a mayor or shall hold a special election for mayor who shall hold office until the next biennial Town election. The mayor shall receive one hundred fifty dollars (\$150) per month.

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## **2.08 Board of Trustees**

### **2.08.010 Qualifications--Term—Composition**

The corporate authority of the Town is by State law vested in a board of trustees consisting of the mayor and six trustees who shall be registered electors residing within the limits of the Town for a period of at least twelve consecutive months immediately preceding the date of the biennial town election except as otherwise provided by State statutes. Members of the board of trustees are elected for overlapping terms of four years, three members at each biennial Town election, except as provided in Section 2.08.040 Terms after filling of vacancy herein. Each trustee shall receive one hundred dollars (\$100) per month.

### **2.08.020 Legislative power—Appointments**

The board shall constitute the legislative body of the Town and shall have the power and authority, except as otherwise provided by State statutes, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it deems proper in the exercise thereof. The board shall appoint a town clerk, treasurer, town attorney, municipal judge, and such other officers as it deems necessary for the good government of the corporation and may remove such officers pursuant to State statutes.

### **2.08.030 Vacancy—Filling--Compensation**

Should a vacancy occur on the board of trustees for any reason, including a trustee becoming no longer a resident of the Town, the board pursuant to State statutes, by a majority vote of all the members thereof, may select and appoint from among the duly registered electors of the Town a suitable person or shall hold a special election to fill the vacancy until the next biennial Town election. Each trustee shall receive one hundred dollars (\$100.00) per month.

### **2.08.040 Terms after filling of vacancy**

At the biennial election following the filling of a vacancy by appointment or special election, the three candidates for the board of trustees receiving the largest number of votes shall fill the four-year terms, and candidates receiving the next largest number of votes shall fill any two-year terms occurring as a result of vacancies on the board.

### **2.08.050 Quorum**

No action shall be taken unless a quorum is present. A majority of the board, including the mayor, shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the board, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which demand shall be entered on the record forthwith by the Town clerk, who shall thereupon notify the absent members of the time and place of the meeting.

### **2.08.060 Ordinances—Procedure**

No ordinance shall be finally passed on the date it is introduced, except for ordinances necessary to the preservation of the public health or safety. In all other cases an ordinance shall be introduced and read by title at a regular or special meeting of the board and may be set for a public hearing at a subsequent meeting. A notice of the public hearing shall be published in a newspaper of general circulation in the

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Town. At said meeting the ordinance shall again be read by title only and a public hearing held following which the ordinance shall be voted upon by the board. If the ordinance receives the required vote on its second reading, the same shall be duly adopted.

**2.08.070 Vote requirements**

All ordinances and all resolutions or orders for the appropriation of money shall require for passage or adoption the concurrence of a majority of all members elected to the board. In all other matters a majority of the votes cast is sufficient for passage except for the preservation of the public health or safety, and then only by the affirmative vote of three-fourths (3/4) of the members of the board.

**2.08.080 Ordinances--Publication--Effective dates**

All ordinances shall be recorded in a book kept for that purpose, and authenticated by the signatures of the mayor and Town clerk. All ordinances amending this Code shall be incorporated in said Code. All ordinances of a general or permanent nature and those imposing any fine, penalty, or forfeiture shall be published in a newspaper of general circulation in the Town. Except for ordinances calling for special elections or necessary to the immediate preservation of the public health or safety and containing the reasons making the same necessary in a separate section, such ordinances shall not take effect and be in force before thirty (30) days after publication.

**2.08.090 Intergovernmental contracts**

The board shall have the authority on behalf of the Town to enter into contractual arrangements with one or more State agencies, counties, municipalities, or districts for the performance of any governmental service, activity or undertaking which could be performed by any of said governmental entities. Any such contract shall set forth fully the purpose, powers, rights, obligations, and the responsibilities, financial and otherwise, of the contracting parties. Such a contract shall be approved by the board by resolution.

**2.08.100 Oath**

All officers elected by the voters of the Town or appointed by the board of trustees in any capacity shall take an oath or affirmation administered by the municipal judge, Town clerk, or other person who is designated by the board of trustees or who is authorized by law to administer oaths or affirmations to support the Constitution of the United States and the Constitution of the State.

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## **2.12 Town Administrator**

### **2.12.010 Appointment--Qualifications—Compensation**

The board of trustees shall appoint a Town administrator within ninety (90) days after any vacancy exists in that position. The Town administrator shall hold office at the pleasure of a majority of the board. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience. He shall be compensated for his services as the board may from time to time determine. Upon approval of the board, the Town administrator may reside outside the Town limits, but only at a location which will allow such person to be available at any hour to respond to emergencies and effectively carry out duties of the position.

### **2.12.020 Powers—Duties**

The Town administrator shall be the chief administrative officer of the Town government. His function and duties shall be as follows:

1. To be responsible to the board for the efficient administration of all administrative departments of the Town government;
2. Supervise the enforcement of all laws and ordinances;
3. In accordance with personnel rules and procedures appoint the heads of Town departments and monitor and oversee the appointment of other Town employees but not including officers the appointment of which is reserved by law to the board of trustees;
4. Recommend an annual budget to the board and administer the budget as finally adopted and to keep the board fully advised at all times as to the financial condition of the Town;
5. Recommend to the board for adoption such measures as he may deem necessary, and to attend board meetings with the right to take part in discussions but not to vote;
6. Establish, subject to board approval, appropriate personnel rules and regulations governing officers and employees of the Town;
7. Prepare and present to the board an annual report of the Town's affairs and submit such other reports, as the board shall require;
8. Perform such other duties as may be prescribed by provisions of this Code or direction of the board.

### **2.12.030 Administrative organization**

The Town administrator shall propose a plan of administrative organization to the board within sixty (60) days after his appointment, which, if approved by the board, shall be adopted by resolution. The administrative plan shall provide for such departments and officers, including those appointed by the board of trustees, as may be deemed necessary for the efficient administration of the Town.

### **2.12.040 Relationship to board of trustees**

Neither the mayor nor any member of the board shall in any way interfere with the Town administrator in his exercise of the powers and duties granted by any provision of this Code. Except for the purpose of inquiry, the mayor and members of the board shall deal with the Town administrator solely through the board, and neither the mayor nor any member of the board shall give orders to any of the subordinates of the Town administrator.

### **2.12.050 Board responsibility**

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Nothing in this title shall impair the responsibility of the board for the overall operation of the Town government as required by the laws of the state.

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## **2.16 Town Clerk**

### **2.16.010 Appointment—Vacancy**

The board of trustees, following each biennial election and within thirty (30) days of the taking of an oath or affirmation by each member of board elected at said biennial election, shall appoint some qualified person who shall have the responsibility for performance of the duties of Town clerk. The board of trustees may also appoint a person as deputy Town clerk who shall perform the duties of the Town clerk during his absence or disability. In case a vacancy should occur in the office of the Town clerk or Town clerk pro tem, the board shall appoint a person to fill the unexpired term. Before entering upon the duties of the office, the Town clerk and the deputy Town clerk shall take an oath of office.

### **2.16.020 Duties**

The Town clerk shall be responsible for the performance of the following duties:

1. He shall be the clerk of the board and shall attend all meeting of the board and shall make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the board.
2. He shall be the custodian of all the Town's records, including the agendas, minutes, and actions of other duly constituted and appointed boards and commissions of the Town and any other official Town records for which retention and disposition schedules have been established by the State. Such records shall be open to inspection by any person at all reasonable times and under reasonable regulations established by the Town as provided by State law.
3. He shall certify by his signature all ordinances and resolutions enacted or passed by the board and all resolutions passed by other duly constituted and appointed boards and commissions of the Town.
4. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose authorized by State law or as may be provided by the board.
5. He shall countersign all checks drawn on the Town treasury. Following the preparation by the Town treasurer of an annual account, the Town clerk shall immediately cause to be published in a local newspaper said account.
6. He shall perform such other duties as prescribed for him by the board or by law involving elections, annexations, licensing, legal actions, and other matters.

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## **2.20 Treasurer**

### **2.20.010 Appointment—Vacancy**

The board of trustees, following each biennial election and within thirty (30) days of the taking of an oath or affirmation by each member of the board elected at said biennial election, shall appoint some qualified person who shall have the responsibility for performance of the duties of Town treasurer. In case a vacancy should occur in the office of Town treasurer, the board shall appoint a person to fill the unexpired term. The board may, in its discretion, appoint the Town clerk as treasurer. Before entering upon the duties of the office, the treasurer shall take an oath of office. Any requirement for a surety bond is waived.

### **2.20.020 Duties generally**

The Town treasurer shall be responsible for the performance of the following duties:

1. The Town treasurer shall receive all moneys belonging to the Town and give receipts therefore and shall keep his books and accounts in such a manner as prescribed by the Town manager and as may be approved by the board. Such books and accounts shall always be subject to inspection by any member of the board.
2. The Town treasurer shall keep a separate account for each fund or appropriation and the debits and credits belonging thereto and shall report to the board at the end of each month a full and detailed account for that month of all receipts and expenditures and showing the state of the treasury at the date of such account and the balance of money in the treasury. He shall also accompany the statement of accounts with a statement of all moneys received in the treasury and of expenditures against the treasury and on what accounts during the preceding month.
3. The Town treasurer shall prepare checks for signature by the Town clerk and mayor, or in the case of the absence or disability of either, by the deputy Town clerk and mayor pro tem respectively and shall keep a record of all such checks which shall show the date, amount, number, the fund from which paid, the name to whom the check is written, and any vouchers, invoices or other documents supporting the checks.
4. Annually, by March 1st, the Town treasurer shall make out and file with the Town clerk a full and detailed account of all receipts and expenditures of the Town and of all his transactions during the preceding fiscal year and shall show in such account the state of the treasury at the close of the fiscal year.

### **2.20.030 Other duties**

The Town treasurer shall perform all other duties, keep all records, and make all reports that are required by other provisions of this code or the laws of the State.

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**2.24 Town Attorney**

**2.24.010 Appointment—Vacancy**

The board, within thirty (30) days after each biennial election, shall appoint some qualified attorney at law as the Town attorney and shall fix his compensation. In case a vacancy should occur in the office of Town attorney, the board shall appoint a Town attorney for the unexpired term.

**2.24.020 Duties**

The Town attorney shall perform the following duties:

1. He shall act as legal advisor to and be attorney and counsel for the board, and shall be responsible solely to the board. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the board and shall file with the clerk a copy of all written opinions given by him.
2. He shall prosecute ordinance violations of provisions of this Code, and he shall conduct for the Town cases in municipal court. He shall file with the Town Manager copies of records and files relating thereto.
3. He shall prepare or review all ordinances, contracts, bonds, and other written instruments, which are submitted to him by the board and shall promptly give his opinion as to the legal consequences thereto.
4. He shall call to the attention of the board all matters of law, and changes or developments therein affecting the Town.
5. He shall perform such other duties as may be prescribed for him by the board.

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## **2.26 Municipal Judge**

### **2.26.010 Appointment**

The Town council, following each biennial election and within thirty (30) days of the taking of an oath or affirmation by each member of the Town council elected, shall appoint a municipal judge for a specified term of not less than two (2) years and who may be reappointed for subsequent terms. The Town council may also appoint assistant judges or substitute judges as it deems appropriate. In case a vacancy should occur in the office of municipal judge or such other judges as it may appoint, the Town council shall appoint a person to fill any unexpired term. The Town council shall provide for the salary of the municipal judge, such salary to be a fixed annual compensation and payable on a monthly or other periodic basis. Payments to assistant or substitute judges shall be based on the number of court sessions served by each judge. Any requirement for a surety bond is waived.

### **2.26.020 Duties generally**

The municipal judge shall preside over the municipal court and shall be governed by C.R.S. rules of procedure and other provisions of the State statutes and this Code applicable to the municipal court. The municipal judge may appoint a court clerk provided that it determines the business of the court is sufficient to warrant a full- or part-time court clerk, who shall have such duties as are delegated to him by law, court rule, or the municipal judge. The Town council shall provide for the salary of the court clerk payable on a basis that it shall determine.

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**2.44 Personnel**

**2.44.010 Public personnel system**

There shall be established for the Town a public personnel system consisting of personnel rules, a job classification and salary plan, and an employee performance planning and evaluation system, all of which shall conform to the highest standards of public personnel policy and recognized principles of a merit system.

**2.44.020 Responsibilities of administrator**

The Town administrator has the responsibility for proper and effective personnel administration in accordance with policies established by the board of trustees. He may delegate to department heads authority for those elements of personnel administration most properly carried out at the department level.

**2.44.030 Authority of board**

The board of trustees shall set personnel policies through adopting of personnel rules and shall exercise certain controls over personnel through the adoption of the budget, approval of job descriptions, action on the job classification and salary plan, and approval of new job descriptions.

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## **2.60 Unclaimed Property**

### **2.60.010 Purpose**

The purpose of this Chapter is to provide for the administration and disposition of unclaimed property, which is in the possession of or under the control of the Town.

### **2.60.020 Definitions**

Unless otherwise required by context or use, words and terms shall be defined as follows:

1. "Unclaimed property" means any tangible or intangible property, excluding motor vehicles and police property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town which has not been claimed by its owner for a period of more than one (1) year after it became payable or distributable.
2. "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this Town, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the Town.

### **2.60.030 Procedure for disposition of property**

- A. Prior to disposition of any unclaimed property having an estimated value of fifty dollars (\$50) or more, the Town manager shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the record of the Town department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the town manager with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.
- B. Prior to the disposition of any unclaimed property having an estimated value of less than fifty dollars (\$50), and if the Town has no last known address for the owner, the Town manager shall cause a notice to be published in a newspaper of general circulation in the Town. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town manager with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claims of the owner to such property shall be deemed forfeited.
- C. If the Town manager receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.
- D. If the Town manager receives a written claim within the above sixty (60) day claim period, the Town manager shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Town manager may investigate the validity of a claim and may request supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

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- E. In the event that there is more than one claimant for the same property, the Town manager, may, in the Town manager's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action.
- F. In the event that all claims filed are denied, the property shall become the sole property of the Town and any claim of the owner of such property shall be deemed forfeited.
- G. Any legal action filed challenging a decision of the Town manager shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Town manager pursuant to the order of the court having jurisdiction over such claim.
- H. The Town manager, within three (3) years after tangible or intangible property becomes the property of the Town, shall order the sale of such unclaimed property. Any sale held under this section shall be by public auction and must be preceded by a single publication of notice at least three (3) days in advance of public auction in a newspaper of general circulation in the Town.
- I. The Town manager is authorized to establish and administer procedures of the administration and disposition of unclaimed property consistent with this Chapter, including compliance requirements for other Town officers and employees in the identification and disposition of such property.

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## **2.70 Police Property**

### **2.70.010 Purpose**

The purpose of this Chapter is to provide for the administration and disposition of property which is in the possession of or under the control of the police department of the Town.

### **2.70.020 Definitions**

Unless otherwise required by context or use, words or terms shall be defined as follows:

“Police property” means any property which may be seized or otherwise taken possession of by the police department of the Town and property lost or abandoned that has been found and delivered to the police department of the Town.

“Police Chief” means the police chief of the Town or any officer or employee designated or assigned by him.

### **2.70.030 Disposition of police property**

- A. The chief of police shall keep a record of all police property which may be seized or otherwise taken possession of by the police department of the Town.
- B. If any property so seized or taken possession of by the police department is of a perishable nature so as to make it inadvisable to retain possession for the length of time specified in subsection 1. of Section 2.60.020 Definitions of Chapter 2.60 Unclaimed Property of this Title 2 Administration and Personnel, the chief of police may sell such property at public auction at any time after three (3) days have elapsed from the seizure or taking possession thereof. Notice of such sale shall be published in a newspaper of general circulation in the Town or posted in the municipal building at least three (3) days before such auction.
- C. Lost property and all other property for which disposition is not provided in subsections A. and B. of this Section, which property has been taken into possession by the police department of the Town, shall be disposed of in accordance with Section 2.60.030 Procedures for Disposition of Property of Chapter 2.60 Unclaimed Property of this Title.
- D. Notwithstanding any other provisions of this Section, whenever any item of lost or abandoned property has been found and delivered to the chief of police for care, control, and custody, such item shall be released to the original finder whenever a claim has been made by the finder and the following conditions have been met:
  1. The claimant, after surrendering the property, has filed a written notice with the chief of police of his intentions to make a claim on the property within sixty (60) days of the surrender of the item;
  2. The lost or abandoned property has remained unclaimed by the owner or person having a right to such property for sixty (60) days after the surrender of the property to the chief of police;
  3. The claimant must appear at the police department no less than sixty (60) days after surrendering any lost or abandoned property and prior to the expiration of ninety (90) days to request the release of such property. Failure to appear within the above time frame shall forever bar any finder’s claim to such property.
- E. Notwithstanding any other provisions of this Section, certain objects and articles of property as described herein may be kept, held, or disposed of as follows:
  1. Unless ordered to the contrary by a court or otherwise required by a State or national law, firearms or other weapons which may not lawfully be kept, possessed, or retained by the owner or person otherwise entitled to the possession thereof, or which may not be lawfully released to the owner thereof, or which are unclaimed after notice to the owner, or the owner of which is not known,

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may be kept and used by the police department in its training program or otherwise, or may be donated to museums or historical societies, as the chief of police may order, for purposes of historical preservation. If firearms or weapons are declared surplus by the chief of police, disposition of such firearms or weapons may be made as otherwise provided in this section.

2. If the property consists of burglar tools of any description, firearms, cartridges, explosives, armored or bulletproof clothing, or other dangerous weapons; gambling apparatus or instruments; articles or medicines for the purpose of inducing an abortion; beer, wine, spirituous liquor, or fermented malt beverages; soiled, bloody, or unsanitary clothing; solids or liquids of unknown or uncertain composition; drugs, narcotics, hallucinogenic substances, hypodermic syringes or needles, or other drug paraphernalia; any poisonous, noxious, or deleterious solids or liquids; or any other property which reasonably might result in injury to the health and safety of the public or be subject to unlawful use, the chief of police may destroy any such article.
3. Unless otherwise provided in this Section, any lost, stolen, confiscated, or abandoned property may be reclaimed by the lawful owner upon proof of ownership and identity satisfactory to the chief of police, and he is hereby authorized to release the property to such owner when the owner gives a proper receipt therefore if claimed before such property is disposed of as provided in this section.
4. Failure to make a claim of ownership within the time limits prescribed in subsection D. of this Section and before the sale or other disposition provided in this Section shall forever bar the owner or other person claiming ownership by, through, or under the owner from making any subsequent claims of ownership.

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