

**ORDINANCE NO. CO-2015-13**

**AN ORDINANCE AMENDING  
ARTICLE 32 (POLICE DEPARTMENT) OF THE MAYWOOD VILLAGE CODE,  
TO ADD A NEW SUBSECTION 32.21 (AUTHORIZING THE DISPOSAL OF  
LOST, STOLEN OR ABANDONED PERSONAL PROPERTY)**

**WHEREAS**, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, pursuant to the Law Enforcement Disposition of Property Act (765 ILCS 1030/0.01 et seq.), the Village of Maywood Police Department is authorized to dispose of certain property that during its normal course of operation it may come into possession of, that in its reasonable belief has been abandoned, lost, stolen or otherwise illegally possessed, and may allocate the proceeds of such sale to the benefit of and operation of the Village of Maywood Police Department; and

**WHEREAS**, the President and Board of Trustees of the Village have previously created by ordinance that the Village of Maywood Police Department shall have certain authority and duties as outlined by the Maywood Village Code. The local regulations that govern this authority and duties are found at Chapter 32 (Police Department) of the Maywood Village Code; and

**WHEREAS**, the Village President and Board of Trustees of the Village desire to make certain amendments to the Maywood Village Code, as set forth below in Section 2 of this Ordinance (the "Code Amendments"), to create a process for the Police Department to provide for the disposition of the property described herein, as authorized by the Law Enforcement Disposition of Property Act (765 ILCS 1030/0.01 et seq.); and

**WHEREAS**, the Village President and Board of Trustee find that approval of the Code Amendments are in the best interest of the public health, welfare and safety of the residents of the Village of Maywood, and will provide supplemental funding to the Police Department and support and enhance essential public safety services; and

**WHEREAS**, pursuant to the authority granted under the Law Enforcement Disposition of Property Act (765 ILCS 1030/0.01 et seq.) and in accordance with the home rule authority granted to home rule municipalities as defined by Article VII, Section 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood approve the Code Amendments as set forth below.

**BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

**SECTION 2:** Chapter 32 (Police Department) of the Maywood Village Code, as amended, shall be further amended to add a new Section 32.21 (Authority to Dispose of Lost, Stolen or Abandoned Property) to read in its entirety as follows:

**§ 32.21 AUTHORITY TO DISPOSE OF LOST, STOLEN OR ABANDONED PERSONAL PROPERTY.**

(A) The Law Enforcement Disposition of Property Act (765 ILCS 1030/0.01 et seq.) (the "Act") is adopted and incorporated by reference into this Section, and the provisions of the Act shall apply to the disposition of personal property outlined in this Section, except as amended in this Section. Where there is a conflict between the provisions of the Law Enforcement Disposition of Property Act and the provisions of this Section enacted pursuant to the Village's home rule authority, the provisions of this Section shall control.

(B) The Village of Maywood Police Department may dispose of all personal property of possessed by it when possession was transferred to the Village of Maywood Police Department under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or otherwise illegally possessed. Property seized during a search and retained and ultimately returned, destroyed or otherwise disposed of pursuant to order of court is not subject to this Section. Property that the Chief of Police reasonably believes was abandoned, lost or stolen or otherwise illegally possessed, may be disposed pursuant to the following:

(1) Such property shall be retained in custody by the Chief of Police or his/her designee, who shall make reasonable inquiry and efforts to identify and notify the owner or other person, entitled to possession thereof, and shall return the property after such person provides reasonable and satisfactory proof of his ownership or right to possession and reimburses the Police Department for all reasonable expenses of such custody.

(2) Weapons that have been confiscated as a result of having been abandoned or illegally possessed may be transferred, in accordance with written direction from the Chief of Police, to the Department of State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department, if no legitimate claim is made for the confiscated weapon within six (6) months of the date of confiscation or within six (6) months of final court disposition if such confiscated weapon was used for evidentiary purposes.

(3) If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within six (6) months after the Police Department obtains such possession, the Chief of Police shall effectuate the sale of the property for cash to the highest bidder at a public auction, notice of which (including time, place and a brief description of such property) shall be published at least once in a newspaper of general circulation in Cook County at least ten (10) days prior to such auction. However, if the Chief of Police determines that the interests of the public would best be served thereby, he or she may donate property that is worth less than \$100.00, if the donation is approved by the Board of Trustees, to a charitable organization, rather than effectuating the sale of the property by public auction.

(4) Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further published notice.

(5) Proceeds of the sale of the property at public auction shall be deposited in the treasury of the Village of Maywood for the use and benefit of the operation of the Police Department.

(6) The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right to possession and reimbursing the Police Department for all reasonable expenses of custody thereof.

(7) Paper currency or coins that hold no historical or monetary value other than the value indicated on the face of such currency, that the Police Department has obtained and reasonably believes to be abandoned, lost or stolen or otherwise illegally possessed, shall not be subject to the auction provisions of subsection (c). The Chief of Police shall make a reasonable inquiry to identify and notify the owner or other person entitled to possession of the paper currency or coins. If the identity or location of the owner or other person entitled to possession of the currency or coins has not been ascertained within six (6) months after the Police Department obtains possession of the currency or coins, the Chief of Police shall deposit the paper currency or coins in the treasury of the Village of Maywood, for the use and benefit of the operation of the Police Department.

(8) The Chief of Police shall maintain a written record of all personal property retained and disposed of by the Police Department under this Section, which shall include:

(a) A complete inventory of the personal property, including a picture and brief description of each item or group of items;

(b) All efforts to identify and notify the owner or other person entitled to possession of such personal property;

(c) All claims made by any person that they are the owner or are otherwise entitled to the possession of such personal property;

(d) All auctions for the sale of such personal property, including the date, time, location and outcome of said auctions; and

(e) The amount of proceeds deposited into the treasury of the Village of Maywood by the Police Department from the sale of such personal property.

(9) The Chief of Police shall provide a monthly report to the Village President and Board of Trustees summarizing any updates to the records required under subsection.

(10) No person shall be responsible for consequential damages to another occasioned by an act or omission in compliance with this Ordinance.”

**SECTION 3:** To the extent necessary, all table of contents, indexes, headings and internal references or cross-references to sections contained in the Maywood Village Code, as amended, that have been deleted or amended by the Code Amendments set forth above shall be amended by the Village's codifier so as to be consistent with the Code Amendments of this Ordinance.

**SECTION 4:** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 5:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. Except as to the Code Amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

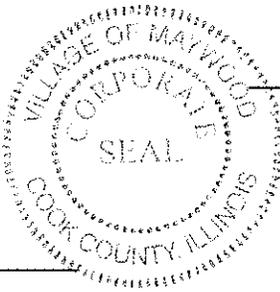
**ADOPTED** this 19<sup>th</sup> day of May, 2015 pursuant to a roll call vote as follows:

**AYES:** Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

**NAYS:** None

**ABSENT:** None

**APPROVED** by me as Village President, and attested by the Village Clerk, on this 21<sup>st</sup> day of May, 2015.



*Edwenna Perkins*

Village President

**ATTEST:**

*[Signature]*

Village Clerk

This Ordinance was published by me in pamphlet form on the 21<sup>st</sup> day of May, 2015.

*[Signature]*

Village Clerk

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE**

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**ORDINANCE NO. CO-2015-13**

**AN ORDINANCE AMENDING  
ARTICLE 32 (POLICE DEPARTMENT) OF THE MAYWOOD VILLAGE CODE,  
TO ADD A NEW SUBSECTION 32.21 (AUTHORIZING THE DISPOSAL OF  
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which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 19<sup>th</sup> day of May, 2015, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 21<sup>st</sup> day of May, 2015.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

**AYES:** Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

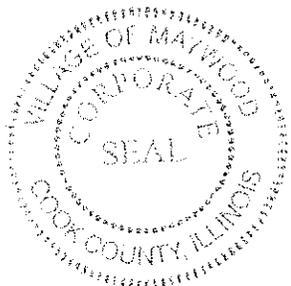
**NAYS:** None

**ABSENT:** None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 21<sup>st</sup> day of May, 2015.

[SEAL]



  
\_\_\_\_\_  
Village Clerk