

**SYNOPSIS OF AN ORDINANCE OF THE TOWN OF SOUTH BETHANY
GOVERNING THE DISPOSITION OF UNCLAIMED, LOST AND FOUND, OR
DONATED PROPERTY**

ORDINANCE 217-25 (SECOND READING)
(Sponsored by Mayor Dondero)

This ordinance creates a new Chapter 101 to establish clear guidelines for the retention and disposition of property that is found or turned into the Town of South Bethany, including the South Bethany Police Department.



ORDINANCE NO. 217-25

WHEREAS, the Town of South Bethany recognizes the need to create a new chapter in the Town Code, in order to establish clear guidelines for the disposition of property that may be found or turned into the Town of South Bethany; and

WHEREAS, it is in the best interest of the Town and its residents to provide a structured process for managing such property, including the use of unclaimed property for municipal purposes or lawful disposition.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of South Bethany, Delaware, as follows:

(additions are in red text and deletions bolded and ~~marked through~~)

Chapter 101

Disposition of Unclaimed Property

§ 101-1. Purpose.

The purpose of this Ordinance is to provide for the handling, retention, and disposal of personal property that comes into custody of the Town of South Bethany, including the Town of South Bethany Police Department, through lost and found, donated property, or abandonment when the rightful owner cannot be located.

§ 101-2. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings assigned:

- 1) Lost and Found Property** – Property whose ownership is unknown, received by the Town of South Bethany, which may be found by an employee of the Town or turned in by a citizen as abandoned or lost and found property.
- 2) Donated Property** – Property received by the Town of South Bethany pursuant to citizens donation.
- 3) Unclaimed Property** – Property that has come into the custody of the Town of South Bethany, which remains unclaimed after a reasonable effort to identify and

contact the rightful owner.

- 4) **Town** – The Town of South Bethany, Delaware, including the South Bethany Police Department.
- 5) **Chief of Police** – The Chief of Police of the South Bethany Police Department or their designee.

§ 101-3. Retention and Disposition of Property

A. Retention Period and Notification

- 1) Any property that comes into the custody of the South Bethany Police Department through lost and found or abandonment shall be retained for a minimum period of **six (6) months**.
- 2) During this period, reasonable efforts shall be made to locate and notify the rightful owner, including a review of public records and applicable databases.
- 3) If the property is of the kind requiring title or registration, written notice shall be sent by registered mail to the last known owner, lienholder, or registrant at least **ten (10) business days** prior to final disposition.

B. Disposition of Unclaimed Property

- 1) **Use by the Police Department:** If the property is suitable for law enforcement purposes, the Chief of Police, with approval from the Town Manager or his/her designate, may authorize its retention for official police use.
- 2) **Use by Other Town Departments:** If the property is deemed useful for other Town departments, the Chief of Police, with approval from the Town Manager or his/her designate, may authorize its release for that purpose.
- 3) **Sale, Donation, or Disposal:** Any property not retained for municipal use may be disposed of as follows, at the election of the Town:
 - a) **Public Sale or Auction:** Property may be sold through public sale or auction, with proceeds handled in accordance with this Ordinance; or
 - b) **Donation to Charitable Organizations:** The Chief of Police, with the approval of the Town Manager or his/her designate, may authorize the donation of unclaimed property (including but not limited to bicycles or other items suitable for reuse) to nonprofit or charitable organizations that serve the residents of South Bethany and surrounding communities. Such donations shall be documented by the Town and made in accordance with applicable law; or
 - c) **Low-Value or Unwanted Items:** Items with little or no monetary or practical

value, as determined by the Chief of Police or his designee, with approval from the Town Manager or his/her designate, may be discarded or otherwise disposed of in a lawful and reasonable manner without sale or donation. Additionally, items offered for sale or auction that remain unsold may also be disposed of if no suitable municipal or charitable use is identified.

4) Monetary Assets:

a) Any unclaimed cash, or proceeds from the sale of unclaimed property, shall be transferred to the Town's Finance Department and deposited into an account designated for use by the Town Manager.

b) Such funds shall be utilized by the Town in accordance with applicable laws and regulations.

5) Contraband or Hazardous Items: Items that are illegal to possess or unsafe shall be destroyed in accordance with federal, state, and local laws.

§ 101-4. Claims for Property

- A. Any person claiming ownership of property in Town custody may file a claim with the South Bethany Police Department within the six (6) month retention period.
- B. Claimants must provide satisfactory proof of ownership or entitlement, subject to verification by the Chief of Police with approval from the Town Manager or his/her designate.
- C. If a claim is approved, the property shall be returned to the person claiming ownership upon proper documentation and identification.

§ 101-5. Record Keeping

The South Bethany Police Department shall maintain a record of all unclaimed property which comes into its possession, including a description, serial numbers (if applicable), date of custody, and disposition details.

§ 101-6. Liability and immunity.

Nothing in this Ordinance shall be construed to create any liability or cause of action against the Town of South Bethany, the South Bethany Police Department, or any of its officers or employees for the handling and disposition of property under this Ordinance.

Effective date. This ordinance shall become effective upon the date of adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY,

DELAWARE, ON THE 9 OF May 2025.

SEAL:



Edith Dondero, Mayor

Robert Biciocchi, Council Secretary

ATTEST:

1st Reading: 4/11/25
2nd Reading: 5/9/25

Sponsored by Mayor Dondero

MA: Ordinance 217-25

4/11/2025

