

**AN ORDINANCE AMENDING SECTION 139.04
OF THE CODIFIED ORDINANCES
OF MAYFIELD VILLAGE, OHIO
RELATING TO THE DISPOSITION OF PROPERTY
HELD BY THE POLICE DEPARTMENT
AND DECLARING AN EMERGENCY.**

WHEREAS, at this time and in accordance with the recommendations of the Village's Ordinance Review Committee, it has been deemed in the best interest of the health, safety and welfare of all Village residents to specifically amend Section 139.04 of the Village's Codified Ordinances to update the reference to the Ohio Revised Code that is currently in effect addressing the disposition of property held by a police department and not the prior Ohio Revised Code section which has been repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. Section 139.04 Disposition of Property Held by Police Department shall be amended as more fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. All other provisions of the Village's Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of the Village of Mayfield.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of Mayfield Village, Ohio. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

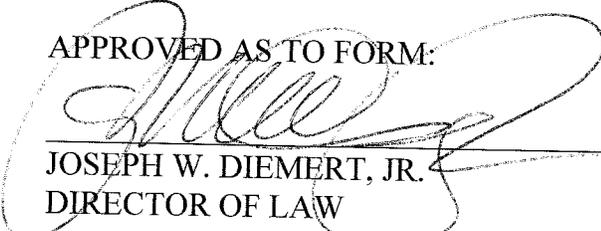

WILLIAM BUCKHOLTZ
Council President

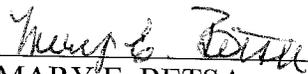
First Reading: November 19, 2012
Second Reading: Suspended 2012
Third Reading: Suspended 2012

PASSED: November 19, 2012


BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:


JOSEPH W. DIEMERT, JR.
DIRECTOR OF LAW

ATTEST: 
MARY E. BETSA,
Clerk of Council

Mayfield Village Codified Ordinances

139.04 DISPOSITION OF PROPERTY HELD BY POLICE DEPARTMENT.

(a) Any property that has been seized in relation to a violation of Ohio R.C. ~~2981.12~~ and any contraband in the custody of the Police Department that is subject to the provisions of Ohio R.C. ~~2981.13~~, shall be held and disposed of pursuant to Ohio R.C. ~~2981.12~~ and any other procedure provided by law. Any other property that has been lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited, and that is in the custody of the Police Department, shall be held and disposed of pursuant to Ohio R.C. ~~2981.11~~ and any other procedure provided by law.

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(b) The Finance Director is hereby authorized and directed to establish a Special Revenue Generic Fund Type which shall be known as the Law Enforcement Fund. Moneys resulting from the retention, sale or other disposition by the Police Department of contraband forfeited pursuant to Ohio R.C. ~~2981.13(A)~~ shall be accounted for in the Fund after payment of the charges set forth in division ~~(B)(1)~~ through ~~(B)(4)~~ of that section. Moneys from the Fund shall be allocated by Council to the Police Department only, and shall only be expended for any one or more of the following purposes:

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- (1) To pay the costs of protracted or complex investigation or prosecutions;
- (2) To provide reasonable technical training or expertise;
- (3) To provide matching funds to obtain federal grants to aid law enforcement;
- (4) For such other law enforcement purposes as the Council determines to be appropriate.

(c) Any and all moneys that result from the retention, sale or other disposition of property by the Police Department and that do not qualify to be accounted for in the Law Enforcement Fund, shall be accounted for in the General Fund.

(Ord. 89-45. Passed 12-18-89.)

