

CHAPTER X. LAW ENFORCEMENT

Article 1. Law Enforcement

Article 2. Property in Law Enforcement Custody

ARTICLE 1. LAW ENFORCEMENT

- 10-101. **LAW ENFORCEMENT.** All Police powers and law enforcement duties within the City of Phillipsburg, Kansas shall be controlled by the Sheriff of Phillips County, Kansas, as contracted with between the sheriff and the governing body of the City. (Code 2010)
- 10-102. **RULES AND REGULATIONS.** The sheriff of Phillips County shall have power to make such rules and regulations as may be necessary for the proper and efficient conduct of the department. (Code 2010)

ARTICLE 2. PROPERTY IN LAW ENFORCEMENT CUSTODY

- 10-201. **REGULATIONS.** The sheriff's department is required to establish regulations detailing the collection, storage, and inventory of property which may come under its control by any manner. (Code 2010)
- 10-202. **DISPOSITION.** Any property which has been acquired or turned over to the sheriff department and has been classified in accordance with procedures existing in the sheriff department as unclaimed or for which the proper owner cannot be ascertained shall be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in section 10-203, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund. (Code 2010)
- 10-203. **SAME; EXEMPT PROPERTY.** The following classes of property shall be considered exceptions to section 10-202 and shall be dealt with in the following manner:
- (a) Cash money shall be turned over to the city general fund unless it shall be determined to have collector's value, in which case it shall be auctioned according to the provisions in section 10-202.
 - (b) Firearms which are available for disposition may be dealt with in the following manner:
 - (1) If compatible with law enforcement usage, they may be turned over to the sheriff department inventory.
 - (2) They may be sold to a firearms dealer who maintains the appropriate federal firearms license.
 - (3) They may be destroyed.
 - (4) In no case shall firearms be sold at public auction.
 - (c) Other weapons such as knives, etc., which are deemed to have a legitimate value may be sold at auction, however, homemade weapons or weapons of a contraband nature shall be destroyed.
 - (d) Any items determined to be contraband such as explosives, narcotics, etc., shall be destroyed.
 - (e) Items of a pharmaceutical nature, which, while not contraband when properly dispensed, or which are of an over-the-counter-variety, shall be destroyed.
 - (f) Foodstuffs, if sealed and undamaged may be turned over to any appropriate social service agency or destroyed, but shall not be auctioned.
 - (g) Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.
 - (h) Items with a value in excess of \$500.00 may be sold after advertising said item in a general circulation newspaper on at least two occasions. Such sales shall be by closed bid.
(Code 2010)
- 10-204. **CLAIMING PROPERTY.** The sheriff's department shall be required to make reasonable attempts to locate the owner of any property in storage. However, the responsibility for claiming and identifying any such property shall rest solely with the owner. (Code 2010)
- 10-205. **PROOF OF OWNERSHIP.** Claimants to any property in police storage shall be required to present reasonable proof of ownership and no property shall be released unless such reasonable proof is presented. (Code 2010)

10-206. AUCTION. At such time as it has been determined that an auction is necessary to dispose of unclaimed property, an inventory listing all property to be disposed of shall be prepared and kept on file in the police department. Notice of an auction shall be published at least twice in a general circulation newspaper prior to the date of the auction. The notice shall specify the date, time and place of the auction and shall also notify prospective buyers or potential claimants that a list of items to be auctioned is available at the sheriff's department and any claims on property must be made prior to the start of the auction. (Code 2010)