

PART 13 – PUBLIC SAFETY

CHAPTER 1

FIRE CODE AND PREVENTION

SECTION — DESCRIPTION

- 13-101 Adoption of fire prevention code
 - 13-102 Modifications
 - 13-103 New materials, processes, or occupancies which may require permits
 - 13-104 Appeals
 - 13-105 Penalties
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SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the National Fire Protection Association, and that certain code known as the Life Safety Code recommended by the National Fire Protection Association, being particularly the latest editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this code.

At least one copy of the Fire Prevention Code and the Life Safety Code are on file in the office of the town clerk. The Fire Prevention Code and the Life Safety Code are hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this code shall take effect, the provisions thereof shall be controlling within the limits of the town.

Cross Reference: See Sections 5-601 et seq. of this code for other provisions on liquefied petroleum gases.

SECTION 13-102 MODIFICATIONS

A. The town board of trustees shall have power to modify any of the provisions of the Fire Prevention Code and the Life Safety Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety

secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief and board of trustees thereon shall be entered upon the records of the board of trustees, and a signed copy shall be furnished to the applicant.

B. The limits in the Fire Prevention Code in which storage of flammable liquids in above-ground tanks, new bulk plants for flammable liquids, bulk storage of LPG, and storage of explosives and blasting agents are prohibited are the town limits.

SECTION 13-103 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The town board of trustees may act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those now enumerated in said code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 13-104 APPEALS

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town board of trustees within thirty (30) days from the date of the decision appealed.

SECTION 13-105 PENALTIES

A. Any person who violates any of the provisions of the codes hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the town board of trustees or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in Section 1-108 of this code.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects

within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 2

FIRE SERVICES

ARTICLE A — FIRE DEPARTMENT

SECTION — DESCRIPTION

13-201	Fire department
13-202	Volunteer department
13-203	Fire Chief
13-204	Duties of the Assistant Chief
13-205	Company officers
13-206	Secretary-treasurer
13-207	Membership, new members
13-208	By-Laws
13-209	Rules and regulations
13-210	Social officers
13-211	Use of fire equipment
13-212	Authority of firefighters at fires
13-213	Right of entry

SECTION 13-201 FIRE DEPARTMENT

A. There is a fire department of the town, the head of which is the chief of the fire department.

B. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings.

SECTION 13-202 VOLUNTEER DEPARTMENT

A. The fire department of the town is a volunteer department which has in its service not more than two (2) full-time salaried firefighters and not less than six (6) nor more than twenty (20) volunteer firefighters.

B. For the purpose of this chapter, a volunteer firefighter is considered as one who is enrolled as a member of the fire department and who serves in the capacity without receiving a regular salary.

SECTION 13-203 FIRE CHIEF

A. The chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the town, and the rules and regulations adopted in this chapter.

B. The chief shall have the following powers and duties, and he may assign duties to other members of the department:

- The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the town board;
- The chief may inspect or cause to be inspected by members of the department the fire hydrants, cisterns and other sources of water supply at least twice each year;
- The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;
- The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;
- The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;
- The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure the preservation of all possible evidence for future use in the case;
- The chief is authorized to enter any building or premises in the town at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and
- The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the town board as he may require. The chief shall keep the town informed regarding the fire department and its needs.

SECTION 13-204 DUTIES OF THE ASSISTANT CHIEF

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the department and appointed by the chief, with approval of the town board.

SECTION 13-205 COMPANY OFFICERS

A. Company officers shall be selected by the chief based on the following criteria:

- Knowledge of firefighting;
 - Leadership ability; and
 - Knowledge of firefighting equipment.
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SECTION 13-206 SECRETARY-TREASURER

A. One member elected by the members of the fire department, subject to approval of the chief, shall be a secretary-treasurer.

B. His duties shall consist of the following:

- Calling the roll at the opening of each meeting;
 - Keeping the minutes of each meeting; and
 - Collecting any money due the department by the members.
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SECTION 13-207 MEMBERSHIP, NEW MEMBERS

A. Membership of the department shall consist of such persons as may be appointed by the chief and shall be persons residing within the town. Determination of whether candidates for appointment are capable of performing their duties shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the town board.

B. New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department, the chief, and the town board.

SECTION 13-208 BY-LAWS

A. The by-laws of the department shall include the following:

- All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;
- A member is required to be present at all regular meetings, called meetings, and schools presented for the benefit of the firefighters;
- At least one regular business meeting of the members shall be held each month;
- Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;
- Any member leaving the town for an extended period of time is required to notify the chief;
- Any member refusing to attend training classes provided for members of the department will be dropped;
- Any member of the fire department may be dropped from the rolls for the following offenses:
 - Conduct unbecoming a firefighter;
 - Any act of insubordination;
 - Neglect of duty;
 - Any violation of rules and regulations governing the fire department;
 - Conviction of a felony; or
 - By a majority vote of the members of the company and approval of the chief.

SECTION 13-209 RULES AND REGULATIONS

The town board of trustees, by motion or resolution, may adopt and change regulations relating to the fire department, its organization, operation, and compensation.

SECTION 13-210 SOCIAL OFFICERS

The department may elect a president, vice-president, secretary, or treasurer to be known as social officers. Such officers may be elected in any manner and for any term the members may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the members. The functions and duties of the social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department.

SECTION 13-211 USE OF FIRE EQUIPMENT

- A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.
- B. Recommendations of apparatus and equipment needed shall be made by the chief, purchased after approval as other town purchases.
- C. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the town board.
- D. Suitable arrangements and equipment shall be provided for people to turn in alarms and to notify members of the department so that they may promptly respond.
- E. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.
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SECTION 13-212 AUTHORITY OF FIREFIGHTERS AT FIRES

The fire chief, assistant fire chiefs, or other fire department officers in charge shall have complete charge and control at all fires. Fire orders shall be obeyed. The chief or his officers may prescribe limits in the vicinity of a fire which no persons, except those residing or owning property therein, shall be permitted to enter except on the order of the officer in command. Police officers may aid in carrying into effect the provisions of this section.

SECTION 13-213 RIGHT OF ENTRY

The chief of the fire department and his designee may at all reasonable hours enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter and other provisions of this code, he may deem necessary to make.

ARTICLE B

CALLS OUTSIDE LIMITS

SECTION	DESCRIPTION
13-221	Power to contract
13-222	Contracts for service
13-223	Authority to answer calls
13-224	Charges for calls made outside town
13-225	Firefighters serving in regular line of duty
13-226	Department considered agent of state

SECTION 13-221 POWER TO CONTRACT

The town is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, military installations or commands, or political subdivisions of the state for fire protection outside the corporate limits of the town, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

State Law Reference: Fire services outside town, town powers, 11 O.S. §§ 29-105 et seq.

SECTION 13-222 CONTRACTS FOR SERVICE

Any contract entered into by the town, with an individual owner, a firm, private corporation, association, or political subdivision, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, association, or political subdivision for such service, equipment, or personnel in an amount reached through negotiation by the parties.

SECTION 13-223 AUTHORITY TO ANSWER CALLS

The fire department is authorized to answer all calls outside the town limits if first approved by the fire chief on duty. The fire chief shall determine that the equipment and personnel to be dispatched for such calls are not needed for other purposes within the town.

SECTION 13-224 CHARGES FOR CALLS MADE OUTSIDE TOWN

The town may enter into a contract with persons, organizations, or associations to provide fire protection service outside the town limits. Such contracts shall be conditioned upon the determination of the fire chief that the property in question is within a reasonable distance from the town and that prior to any fire protection equipment being dispatched for any fire call for such property, the fire chief on duty shall first approve such call and determine that the equipment and personnel to be dispatched are not needed for other purposes within the town. The charges for such calls shall be as specified in the fee schedule.

Ed. Note: \$200.00 is minimum fee for calls outside limits, which may be amended by motion or resolution.

SECTION 13-225 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY

All firefighters attending and serving at fires or doing fire prevention work outside the corporate limits of the town, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the town. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the town.

SECTION 13-226 DEPARTMENT CONSIDERED AGENT OF STATE

The fire department, when answering any fire alarm or call or performing any fire prevention services outside the corporate limits of the town, shall be considered as an agent of the state and acting solely and alone in a governmental capacity, and the town shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

CHAPTER 3

POLICE SERVICES

SECTION — DESCRIPTION

13-301 Police department created; chief

13-302 Duties

13-303 Officers

SECTION 13-301 POLICE DEPARTMENT CREATED; CHIEF

There shall be a police department, the head of which is the chief of police, or the police chief, appointed by the town board of trustees and removable by the town board. The police chief is an officer of the town and has supervision and control of the police department. All police officers are officers of the town.

SECTION 13-302 DUTIES

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice violators of the ordinances of the town; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state laws as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

SECTION 13-303 OFFICERS

Police officers shall be appointed by the police chief subject to approval of the board of trustees of the town. Police officers shall perform such duties as shall be required of them by the police chief, the town ordinances, federal, state or county laws or regulations, and other actions required in the maintenance of good order and public peace.

CHAPTER 4

CIVIL DEFENSE

SECTION — DESCRIPTION

13-401	Purpose of chapter
13-402	Department
13-403	Responsibilities and duties of director, deputies
13-404	Emergency powers of civil defense director and other personnel

SECTION 13-401 PURPOSE OF CHAPTER

The purpose of this chapter is to create an emergency management and civil defense organization for the town to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the town. The duty of such civil defense organization shall be the protection of the lives and health of the citizens of the town and the property and property rights, both private and public, and to perform all functions necessary and incident thereto.

SECTION 13-402 DEPARTMENT

The purpose of the civil defense department (hereinafter “department”) is to prepare for, and function in the event of, emergencies endangering the lives and property of the citizens of the town. The department is headed by a director, appointed by the town board of trustees for such compensation and under such terms as the town board of trustees may establish. The director serves at the pleasure of the town board of trustees.

SECTION 13-403 RESPONSIBILITIES AND DUTIES OF DIRECTOR, DEPUTIES

A. The director of the department shall be the administrative head of the department and shall be responsible for carrying out the emergency management and civil defense program of the town in coordination with the civil defense advisory committee. He shall have such further duties and responsibilities to cooperate with all emergency services and civil defense agencies of other governmental units including the state and the federal government.

B. The town board of trustees or the director, when empowered by the town board of trustees, may designate some person as deputy director or assistant director and shall prescribe the duties of the deputy or assistant from time to time as necessary for the carrying out of the emergency management and civil defense program of the town. The deputy director shall perform all duties of the director upon the death, disability or illness, or separation from service of the director. In addition to the foregoing duties, the deputy or assistant shall render such aid and assistance and

perform such duties under the emergency management and civil defense program of the town as may be required by the director.

SECTION 13-404 EMERGENCY POWERS OF CIVIL DEFENSE ORGANIZATION

A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the director, after due authorization from the mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management and civil defense and, if necessary, to take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with other governmental agencies, emergency management services and civil defense organizations.

B. The director, other members of the department and members of any emergency services and the civil defense organization established herein shall have the power and authority to enforce the laws of the state and ordinances of the town during the period of emergency, and shall at such time have the further power to make arrests for violations of such laws or ordinances.

CHAPTER 5

UNCLAIMED PROPERTY

SECTION — DESCRIPTION

- 13-501 Delivery required; records
 - 13-502 Disposition of personal property, general procedures
 - 13-503 Seized property related to gambling, report and disposition
 - 13-504 Seized property related to alcoholic beverages, disposition
 - 13-505 Property of deceased persons
 - 13-506 Exchange of unclaimed or confiscated weapons
 - 13-507 Recovery by owner
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SECTION 13-501 DELIVERY REQUIRED, RECORDS

A. All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the

charge of the police chief. The police chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and the name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

B. For the purpose of this chapter, “police chief” means the police chief or his designee.

State Law Reference: Disposition of personal property by police chief, procedures, application to destroy, 11 O.S. § 34-104; Uniform Unclaimed Property Disposition Act, 60 O.S. § 655; relating to finders of lost goods, 15 O.S. §§ 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. §§ 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. §§ 1261 et seq.; alcoholic beverages seized in violation of law, 37 O.S. § 539.

SECTION 13-502 DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES

A. The police chief is authorized to sell personal property, other than animals, money or legal tender of the United States, except as provided in Subsection B of this section, which has come into his possession in any manner if:

1. The owner of the personal property is unknown or has not claimed the property;
2. The property has been in the custody of the police chief for at least six (6) months; or
3. The property or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.
4. Any owner, to recover or claim property, must be able to satisfactorily prove ownership to the police chief.

B. Any property found by a person other than a public official which shall be delivered to any police officer for “identification” and registration, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. However, in all other cases, only property in which the finder relinquishes any future claim to its ownership will be stored in the town police property room.

C. The police chief shall file an application in the district court of the county requesting the authority of the court to conduct a sale of such personal property or money or legal tender which has a fair market value of more than its face value. The police chief shall attach to his application a list describing such property or money or legal tender including any identifying numbers and marks, the date the property or money or legal tender came into his possession, and the name of the owner and his address, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.

D. In any instance where the property has an actual or apparent value of more than Twenty-five Dollars (\$25.00), at least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified mail to each owner at his address as listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the town. The notice shall contain a brief description of the property or money or legal tender of the owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of town notices, and at two (2) other public places in the town.

E. If no owner appears and establishes ownership to the property or money or legal tender at the hearing, the court shall enter an order authorizing the police chief to sell the personal property or money or legal tender for cash to the highest bidder at an auction sale, after at least five (5) days' notice of the sale has been published. The police chief shall thereafter make a return of the sale, and the order of the court confirming the sale shall vest title to the property or money or legal tender in the purchaser. The money received from the sale of the personal property or money or legal tender shall be deposited in the town's general fund after first paying court costs and other expenses.

F. All money or legal tender of the United States, except as provided in Subsection B of this section, which has come into the possession of the police chief pursuant to the circumstances provided for in Subsection A of this section, shall be transferred by the police chief to the town clerk for deposit in the general fund. Prior to any such transfer, the police chief shall file an application in the district court requesting the court to enter an order authorizing him to transfer the money for deposit in the general fund. The application shall describe the money or legal tender, any serial numbers, the date the same came into his possession, and the name of the owner and his address, if known. Upon filing the application, which may be joined with an application as described in Subsection B of this section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the application. Notice of the hearing shall be given as provided for in Subsection C of this section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order the same to be deposited in the general fund. The notice may be combined with a notice to sell personal property as provided for in Subsection B of this section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the general fund as provided in this subsection.

G. The provisions of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character which the possession of is prohibited by law, nor to any property for which a specific procedure is otherwise established by law, ordinance or proper order. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.

H. Property authorized to be destroyed herein or by state or other law, or which cannot be sold or used by the town, shall be destroyed on order of the police chief. The destruction of personal property must be witnessed by at least three (3) members of the police department who must sign

a certificate of destruction listing all property destroyed, a general description of same, the date, time, place, and manner of such destruction.

State Law Reference: Similar provisions, 11 O.S. § 34-104.

CHAPTER 5

UNCLAIMED PROPERTY

SECTION 13-503 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITION

A. If any personal property used for the purpose of violating any of the gambling laws of this state shall be seized by any officer or person, with or without a search warrant, such officer or person is hereby required within five (5) days of the seizure to make a written report under oath and file the same with the county clerk, which report shall in detail state the name of the officer or person making the seizure, the place where seized, and an inventory of the property or articles so taken into possession. Within five (5) days after seizing such property, the officer shall deliver the property to the sheriff of the county and take the sheriff's receipt therefor, in duplicate, and the sheriff shall retain the same and all thereof until the same shall be destroyed pursuant to the orders of the court.

B. In computing the time, five (5) days, Sundays and holidays shall be excluded and not counted.

C. A duplicate copy of the receipt shall be filed with the county clerk, who shall keep a record of same. However, the sheriff and his deputies shall be required to make the affidavit and issue the receipt and otherwise comply with the provisions of this section. The sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him under the provisions of this section.

State Law Reference: Similar provisions, 22 O.S. § 1261.

SECTION 13-504 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION

A. If town police officers seize:

1. Any apparatus, equipment, vehicle, or instrumentality used for, or intended for use in, manufacturing or transporting any alcoholic beverages in violation of the state alcoholic beverage control laws; or
2. Any alcoholic beverages possessed, sold, transported, manufactured, kept, or stored in violation of the state alcoholic beverage control laws,

and if the court finds from a preponderance of the evidence that the property seized was lawfully subject to seizure, then the court shall render judgment accordingly and order the property forfeited to the town in which the seizure of the property took place.

State Law Reference: Similar provisions, 37 O.S. § 539.

SECTION 13-505 PROPERTY OF DECEASED PERSONS

The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally appointed representative of his estate. If the personal property is claimed by the legally appointed representative of the estate of the deceased, a certified copy of the order of the district court appointing such person shall be deemed sufficient authority to support the claim.

If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit to the effect that he is the person entitled to possession of the property; the affidavit shall be deemed sufficient authority to support the claim.

If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this chapter.

SECTION 13-506 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS

A. Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the police chief or his designee for new weapons for use by the police department. The unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the police chief or his designee, are reputable.

B. In trading such unclaimed or confiscated weapons, the police chief or his designee shall advertise for bids for such trade. Such advertisement for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the town.

C. The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value or the fair market value of the new weapons received in such trade.

SECTION 13-507 RECOVERY BY OWNER

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the police chief.