

ORDINANCE NO. 2754

AN ORDINANCE AMENDING CHAPTER 2 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING SURPLUS, CONTRABAND, AND UNCLAIMED PROPERTY

WHEREAS, the City of Commerce City (“City”) has been working to update various policies and sections of the Commerce City Revised Municipal Code (“CCRMC”) as they apply to the process for handling surplus, unclaimed, and abandoned property;

WHEREAS, it is the primary purpose of this amendment to provide for the prompt retrieval of surplus, contraband, or abandoned property to promote public safety and improve the image and appearance of the City. It is a further purpose of this amendment to ensure that certain items may be disposed of immediately to ensure the health and safety of our residents and City staff;

WHEREAS, pursuant to the Charter of the City of Commerce City (the “Charter”), the City Council of the City has all legislative powers and functions of municipal government as reserved to it by the Colorado Constitution and the laws of the State of Colorado;

WHEREAS, Chapter 2 of the CCRMC regulates administrative procedures within the City; and

WHEREAS, the City finds and determines that the regulation of surplus, contraband, and unclaimed property is in the best interest of the public for the welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Chapter 2 of the CCRMC is hereby amended as set forth in Exhibit A.

SECTION 3. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective pursuant to Section 5.4 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 5TH DAY OF JANUARY, 2026.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 2ND DAY OF FEBRUARY, 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk

EXHIBIT A TO ORDINANCE 2754

BEGIN

(RED STRIKETHROUGHS SHOW DELETIONS; BLUE UNDERLINES SHOW ADDITIONS, ... SHOW NO CHANGES MADE)

CHAPTER 2 – ADMINISTRATION

ARTICLE IV. – ADMINISTRATIVE OPERATIONS

Sec. 2-4202. – Surplus, contraband, and unclaimed property.

(a) (...)

1) (...)

2) (...)

3) (...)

4) (...)

(b) (...)

(c) *Unclaimed property.* Any tangible ~~or intangible~~ property, other than motor vehicles or other tangible property cover by the Revised Uniform Unclaimed Property Act, that has lawfully come into the city's possession in the course of its operations or has been turned over to the city by a person after being found on any public or private property may be disposed of in accordance with this subsection (c).

1) Where the identity and whereabouts of the unclaimed property's owner is known, the city shall give the owner written notice that the owner may claim the property from the city.

2) Where the identity or whereabouts of the owner of unclaimed property is unknown, the city may initiate an investigation to identify the owner. If an investigation is unsuccessful or not undertaken, the city shall post a description of the unclaimed property on the city's website or other similar venue.

3) The unclaimed property's owner may claim it at any time before the city disposes of the property by making a written claim to the city, showing satisfactory proof of ownership and paying the city any storage or maintenance costs incurred.

4) If property is not claimed by its owner within thirty (30) days from the date of written notice or the internet posting, as applicable, the city may:

a. Return the property to the property's finder if the finder wishes to assert a claim to the property as a finder and pays any applicable storage or maintenance costs;

b. Sell the property in any manner that is open to the general public;

c. Privately sell or donate the property to a nonprofit organization having a significant community service mission;

d. Appropriate the property for city use; or

e. Properly dispose of the property ~~which is damaged, perishable, illegal, unsuitable for sale or has no significant value.~~

5) Notwithstanding anything else in this section, the City may immediately remove and dispose of items determined to be garbage, debris, damaged property, waste, and hazardous items.

EXHIBIT B TO ORDINANCE 2754
CLEAN VERSION

Sec. 2-4202. Surplus, contraband, and unclaimed property.

- (a) *Surplus property.* Personal property which the city manager determines is no longer needed for municipal purposes may be:
- 1) Sold in any manner that is open to the general public;
 - 2) Privately sold or donated to a nonprofit organization having a significant community service mission;
 - 3) Privately transferred in an exchange for other property if the value received in exchange for the surplus property is deemed to be fair and reasonable by the city manager; or
 - 4) Disposed of when the property is damaged, unsuitable for sale, or has no significant value.
- (b) *Contraband.* Unless used for public display or presentation, the city shall dispose of contraband in accordance with the state's contraband forfeiture act.
- (c) *Unclaimed property.* Any tangible property, other than motor vehicles or other tangible property cover by the Revised Uniform Unclaimed Property Act, that has lawfully come into the city's possession in the course of its operations or has been turned over to the city by a person after being found on any public or private property may be disposed of in accordance with this subsection (c).
- 1) Where the identity and whereabouts of the unclaimed property's owner is known, the city shall give the owner written notice that the owner may claim the property from the city.
 - 2) Where the identity or whereabouts of the owner of unclaimed property is unknown, the city may initiate an investigation to identify the owner. If an investigation is unsuccessful or not undertaken, the city shall post a description of the unclaimed property on the city's website or other similar venue.
 - 3) The unclaimed property's owner may claim it at any time before the city disposes of the property by making a written claim to the city, showing satisfactory proof of ownership and paying the city any storage or maintenance costs incurred.
 - 4) If property is not claimed by its owner within thirty (30) days from the date of written notice or the internet posting, as applicable, the city may:
 - a. Return the property to the property's finder if the finder wishes to assert a claim to the property as a finder and pays any applicable storage or maintenance costs;
 - b. Sell the property in any manner that is open to the general public;
 - c. Privately sell or donate the property to a nonprofit organization having a significant community service mission;
 - d. Appropriate the property for city use; or
 - e. Properly dispose of the property.
 - 5) Notwithstanding anything else in this section, the City may immediately remove and dispose of items determined to be garbage, debris, damaged property, waste, and hazardous items.