

ORDINANCE NO: 2121

INTRODUCED BY: AMADOR, BULLOCK, DIAZ, DOUGLAS, ELLIOTT, FORD,  
MCELDOWNEY, TETER

AN ORDINANCE AMENDING SECTION 2-4202 OF THE COMMERCE CITY  
REVISED MUNICIPAL CODE REGARDING SURPLUS, CONTRABAND, AND  
UNCLAIMED PROPERTY

WHEREAS, Section 2-4202 of the Commerce City Revised Municipal Code regulates the disposition of surplus, contraband, and unclaimed property in the possession of the City of Commerce City (“City”);

WHEREAS, Section 2-4202(a) currently permits the disposition of surplus personal property by public sale or by private sale to non-profit organizations, thus restricting the ability of the City to receive “trade-in” value for such property when it is replaced;

WHEREAS, Section 2-4202(c) currently requires the City to retain private tangible or intangible property, other than motor vehicles, lawfully in the City’s possession for sixty (60) days after notice is provided, thus resulting in a substantial administrative cost and burden to the City; in terms of employee time, storage facilities, and associated costs.

WHEREAS, the City Council of the City of Commerce City believes that it is in the best interest of the public to amend Section 2-4202 to permit the private exchange of the City’s surplus personal property in a transaction to replace that property and to reduce the retention period for unclaimed property to thirty (30) days.

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

**SECTION 1.** That section 2-4202 of the Commerce City Revised Municipal Code is hereby amended to read as follows:

**Sec. 2-402. 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

- (3) 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 or intangible property, other than motor vehicles, 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 property which is damaged, perishable, illegal, unsuitable for sale or has no significant value.

**SECTION 2.** Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

**SECTION 3.** This ordinance shall take effect \_\_\_\_\_, 2017.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE  
ORDERED THIS 1<sup>ST</sup> DAY OF APRIL, 2017.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE  
ORDERED THIS 1<sup>ST</sup> DAY OF MAY, 2017.

CITY OF COMMERCE CITY,  
COLORADO

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk