



**NORTHGLENN POLICE DEPARTMENT
COUNCIL MEMORANDUM #2017-05**

DATE: May 22, 2017

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: James A. Hayes, AICP, City Manager 
James S. May, Jr., Chief of Police 

SUBJECT: CB-1887 – Disposition of Personal Property

PURPOSE

City Council will be consider repealing Northglenn Municipal Code Chapter 6, Article 12, titled, "Sales of Abandoned Personal Property" and to amend Chapter 6, Article 14 of the Northglenn Municipal Code, titled, "Unclaimed Personal Property," and retitle as "Disposition of Personal Property."

BACKGROUND

The proposed amendment would allow the City to better address our ability to, return, escheat or dispose of personal property that is taken into the City's possession through various circumstances.

The amount of property received by the City has dramatically increased over the past several years. The current property statute does not allow the efficient disposition of the large amount of property taken into its possession. This amendment to the Municipal Code would also decrease the exposure of City staff to hazardous material.

The City Attorney has approved this amendment as to form.

BUDGET IMPLICATIONS

None.

CITY COUNCIL OPTIONS

City Council can choose to leave Northglenn Municipal Code Chapter 6, Articles 12 and 16, in their current form.

STAFF RECOMMENDATION

Staff recommends approval of CB-1887 to repeal Chapter 6, Title 12, and amend Chapter 6, Article 14 of the Northglenn Municipal Code.

STAFF REFERENCE

If Council Members have any comments or questions, they may contact Chief James S. May, Jr., at 303-450-8967, jmay@northglenn.org.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1887
Series of 2017

Series of 2017

A BILL FOR AN ORDINANCE CONSOLIDATING AND AMENDING ARTICLES WITHIN CHAPTER 6 OF THE NORTHGLENN MUNICIPAL CODE REGARDING DISPOSITION OF PERSONAL PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 6, Article 12, of the Northglenn Municipal Code, titled, "Sales of Abandoned Personal Property," is hereby repealed in its entirety.

Section 2. Chapter 6, Article 14, of the Northglenn Municipal Code, titled, "Unclaimed Property Disposition," is hereby retitled as "Disposition of Personal Property," and is amended to read as follows:

CHAPTER 6
CONTRACTS AND PURCHASING

ARTICLE 14
~~UNCLAIMED~~ DISPOSITION OF PERSONAL PROPERTY
~~DISPOSITION~~

Section 6-14-1. Purpose. The purpose of this ordinance is to provide for the administration and disposition of LOST, ABANDONED, unclaimed OR RECOVERED property ~~which is in~~ THAT HAS COME INTO the possession of or under the control of the ~~municipality~~ CITY.

Section 6-14-2. Definitions. Unless otherwise required by context or use, words and terms shall be defined as follows:

(a) "ABANDONED PERSONAL PROPERTY" MEANS TANGIBLE PERSONAL PROPERTY FOUND OR RECOVERED BY THE POLICE DEPARTMENT OR ANY OTHER DEPARTMENT OF THE CITY OF NORTHGLENN AND UNCLAIMED BY THE OWNER AND ALSO INCLUDES PERSONAL PROPERTY FOUND OR RECOVERED BY ANY PERSON AND TURNED IN BY SUCH PERSON TO THE POLICE DEPARTMENT, WHICH PROPERTY IS THEREAFTER UNCLAIMED BY THE OWNER.

(b) "~~Municipality~~ CITY" means the City of Northglenn, Colorado.

(c) "DANGEROUS PROPERTY" MEANS ANY ILLEGAL WEAPON, ANY BOW MADE FOR THE PURPOSE OF THROWING OR PROJECTING MISSILES OF ANY KIND BY ANY MEANS WHATSOEVER, AND ANY OTHER WEAPON, DEVICE, INSTRUMENT, MATERIAL OR SUBSTANCE, WHETHER ANIMATE OR INANIMATE, WHICH IN THE MANNER USED OR INTENDED TO BE USED IS CALCULATED TO PRODUCE SERIOUS BODILY INJURY.

(d) "DEFACED FIREARM" MEANS ANY FIREARM THE MANUFACTURER'S SERIAL NUMBER OF WHICH, OR OTHER DISTINGUISHING NUMBER OR IDENTIFICATION MARK OF WHICH, HAS BEEN REMOVED, DEFACED, ALTERED, OR DESTROYED.

(e) "ILLEGAL WEAPON" MEANS AND INCLUDES A BLACKJACK, BLUDGEON, BOMB, FIREARM SILENCER, DEFACED FIREARM, MACHINE GUN, ANY SHOTGUN HAVING A BARREL OR BARRELS LESS THAN EIGHTEEN INCHES LONG OR AN OVERALL LENGTH OF LESS THAN TWENTY-SIX INCHES, ANY RIFLE HAVING A BARREL LESS THAN SIXTEEN INCHES LONG OR AN OVERALL LENGTH OF LESS THAN TWENTY-SIX INCHES, ANY GAS GUN DESIGNED FOR PROJECTING GAS-FILLED PROJECTILES WHICH RELEASE THEIR CONTENTS AFTER HAVING BEEN PROJECTED FROM THE DEVICE, ANY PROJECTILES DESIGNED FOR USE IN A DEVICE DEFINED AS AN ILLEGAL WEAPON UNDER THIS SECTION, METALLIC KNUCKLES, SWITCHBLADE KNIFE, AND ANY KNIFE THAT HAS A BLADE RELEASED FROM THE HANDLE OR SHEATH THEREOF BY THE FORCE OF GRAVITY OR BY THE APPLICATION OF CENTRIFUGAL FORCE WHICH BLADE WHEN SO RELEASED IS LOCKED IN PLACE BY MEANS OF A BUTTON, SPRING, LEVER OR OTHER DEVICE.

(f) "INTANGIBLE PROPERTY" MEANS MONEY WITH A VALUE OF MORE THAN ONE HUNDRED DOLLARS (\$100.00), INCLUDING WITHOUT LIMITATION CASH, CHECKS, DRAFTS, DEPOSITS, INTEREST, DIVIDENDS, INCOME, CREDIT BALANCES, CUSTOMER OVERPAYMENTS, REFUNDS, UNPAID WAGES OR PENSION BENEFITS, REIMBURSEMENTS, STOCKS, UNPAID WAGES AND INTEREST OR INCOME DERIVED THEREFROM AND HELD, OR OWING IN THE ORDINARY COURSE OF THE CITY'S BUSINESS.

(g) "NOMINAL VALUE" MEANS PERSONAL PROPERTY OF AN ESTIMATED VALUE OF LESS THAN ONE HUNDRED DOLLARS (\$100.00), AS DETERMINED BY THE CHIEF OF POLICE IN HIS OR HER REASONABLE DISCRETION.

(h) "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized

legal representative or successor in interest of same, ~~which owns unclaimed property held by the municipality~~ WITH ANY LEGAL OR EQUITABLE INTEREST IN SUCH PROPERTY.

Section 6-14-3. CUSTODIAN OF PROPERTY.

THE CHIEF OF POLICE OR HIS OR HER DESIGNEE SHALL HAVE CUSTODY OF ALL PERSONAL PROPERTY COMING INTO THE POSSESSION OF THE CITY OR ITS AGENTS OR EMPLOYEES AND SHALL KEEP A RECORD OF ALL PROPERTY PLACED IN HIS OR HER CUSTODY. THE CHIEF OF POLICE SHALL CAUSE PERSONAL PROPERTY TO BE STORED SECURELY ON CITY PROPERTY OR IN SOME OTHER SUITABLE PLACE PENDING DISPOSITION OF THE PROPERTY.

Section 6-14-4. Procedure for Disposition of Property LOCATING OWNER.

(a) Prior to disposition of any ~~unclaimed~~ ABANDONED PERSONAL property having an estimated value of ~~\$50.00~~ \$100.00 or more WITH AN OWNER ASCERTAINABLE THROUGH PUBLIC RECORDS, the ~~City Clerk~~ CHIEF OF POLICE shall send a written notice by certified mail, return receipt requested, to the OWNER'S last known address, if any, ~~of any owner of unclaimed property~~. The last known address of the owner shall be the last address of the owner as shown ~~by the~~ ON PUBLIC records ~~of the municipal department or agency holding the property~~. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the ~~City Clerk~~ CHIEF OF POLICE with a written claim for the return of the property within ~~sixty (60)~~ THIRTY (30) days of the date of the notice, the property shall become the sole property of the ~~municipality~~ CITY and any claim of the owner to such property shall be deemed forfeited.

(b) Prior to disposition of any ~~unclaimed~~ ABANDONED PERSONAL property having an estimated value of ~~less than \$50.00~~ \$100.00 OR MORE AND HAVING NO KNOWN OWNER ASCERTAINABLE THROUGH PUBLIC RECORDS or having no last known address of the owner, the ~~City Clerk~~ CHIEF OF POLICE shall cause a notice to be published ON THE CITY'S WEBSITE ~~in a newspaper of general circulation in the municipality~~. The notice shall include a description of the property, the owner of the property, IF KNOWN, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the ~~City Clerk~~ CHIEF OF POLICE with a written claim for the return of the property within ~~sixty (60)~~ THIRTY (30) days of the date of the publication of the notice, the property shall become the sole property of the ~~municipality~~ CITY and any claim of the owner to such property shall be deemed forfeited.

(c) If the ~~City Clerk~~ CHIEF OF POLICE receives no written claim within the ~~sixty (60)~~ THIRTY (30) day claim period, the property shall become the sole property of the ~~municipality~~ CITY, and any claim of the owner to such property shall be deemed forfeited.

(d) If the ~~City Clerk~~ CHIEF OF POLICE receives a written claim within the ~~sixty (60)~~ THIRTY (30) day claim period, the ~~City Clerk~~ CHIEF OF POLICE shall evaluate the claim and give written notice to the claimant within ~~ninety (90)~~ SIXTY (60) days thereof that the claim has been accepted or denied in whole or in part. The ~~City Clerk~~ CHIEF OF POLICE may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(e) In the event that there is more than one claimant for the same property the ~~City Clerk~~ CHIEF OF POLICE may, in the ~~City Clerk~~ CHIEF OF POLICE'S sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action.

(f) In the event that all claims filed are denied, the property shall become the sole property of the ~~municipality~~ CITY and any claim of the owner of such property shall be deemed forfeited.

~~(g) Any legal action filed challenging a decision of the City Clerk shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the City Clerk pursuant to the order of the Court having jurisdiction over such claim.~~

~~(h)~~(g) The ~~City Clerk~~ CHIEF OF POLICE is authorized to establish and administer procedures for the administration and disposition of ~~unclaimed~~ ABANDONED PERSONAL property consistent with this ordinance, including compliance requirements for other municipal officers and employees in the identification and disposition of such property.

SECTION 6-14-5. DISPOSITION OF PROPERTY.

IN THE EVENT ABANDONED PERSONAL PROPERTY BECOMES THE PROPERTY OF THE CITY BY OPERATION OF SECTION 6-14-4 HEREIN OR IS OTHERWISE DEEMED FORFEITED TO THE CITY BY THIS ARTICLE, THE CHIEF OF POLICE MAY ELECT TO RETAIN THE PROPERTY FOR USE IN THE CONDUCT OF CITY BUSINESS, MAY ELECT TO DONATE THE PROPERTY TO A NON-DENOMINATIONAL CHARITABLE ORGANIZATION SERVING THE CITIZENS OF THE CITY, OR MAY ELECT TO SELL THE PROPERTY AT PUBLIC AUCTION AS DIRECTED BY THE CITY MANAGER AND ACCORDING TO THE NORTHGLENN PURCHASING ORDINANCE, ARTICLE 1 OF THIS CHAPTER 6. PROCEEDS FROM ANY SUCH SALES SHALL BE DEPOSITED IN THE GENERAL FUND OF THE CITY OF NORTHGLENN. THE SALE AND CONVEYANCE OF ANY SUCH

PROPERTY IS WITHOUT RIGHT OF REDEMPTION. IF NO BID IS MADE FOR AN ITEM OFFERED FOR SALE, IT REMAINS THE PROPERTY OF THE CITY.

SECTION 6-14-6. EXCEPTIONS.

(a) ANY DANGEROUS PROPERTY; PROPERTY THAT IS NOT DANGEROUS BUT THAT HAS BEEN USED IN AN UNLAWFUL MANNER BY THE POSSESSOR THEREOF; AND ALL PROPERTY THE POSSESSION OF WHICH IS ILLEGAL BY VIRTUE OF STATE OR FEDERAL LAW, EXCLUDING PROPERTY SPECIFICALLY ADDRESSED IN CHAPTER 6, ARTICLE 13, OF THIS CODE, IS SUMMARILY FORFEITED TO THE CITY TO BE DESTROYED OR OTHERWISE APPROPRIATELY DISPOSED OF BY THE CHIEF OF POLICE. THE CHIEF OF POLICE MAY ELECT TO RETAIN DANGEROUS PROPERTY FOR USE IN TRAINING.

(b) FOUND OR ABANDONED CURRENCY IN AN AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) OR LESS AUTOMATICALLY BECOMES PROPERTY OF THE CITY THIRTY (30) DAYS AFTER RECEIPT BY THE CHIEF OF POLICE, WITH NO DUTY ON THE PART OF THE CITY TO INVESTIGATE OWNERSHIP AND WITH NO DUTY TO ATTEMPT TO NOTIFY THE OWNER. FOLLOWING A THIRTY (30) DAY HOLDING PERIOD, ALL SUCH MONEY SHALL BE DELIVERED TO THE CITY TREASURER FOR DEPOSIT IN THE GENERAL FUND.

(c) PERSONAL PROPERTY OF NOMINAL VALUE AUTOMATICALLY BECOMES PROPERTY OF THE CITY THIRTY (30) DAYS AFTER RECEIPT BY THE CHIEF OF POLICE, WITH NO DUTY ON THE PART OF THE CITY TO INVESTIGATE OWNERSHIP AND WITH NO DUTY TO ATTEMPT TO NOTIFY THE OWNER. FOLLOWING A THIRTY (30) DAY HOLDING PERIOD, WITHIN THE CHIEF OF POLICE'S DISCRETION, SUCH PROPERTY MAY BE DESTROYED OR DISPOSED OF ACCORDING TO SECTION 6-14-5 HEREIN. PROVIDED, HOWEVER, THAT PERSONAL PROPERTY OF NOMINAL VALUE IN A SOILED, FOUL, FILTHY, CONTAMINATED OR HAZARDOUS STATE, INCLUDING WITHOUT LIMITATION SOILED CLOTHING AND USED BEDDING, MAY BE DESTROYED OR DISPOSED OF AS WASTE BY THE CHIEF OF POLICE WITHOUT A HOLDING PERIOD, WITH NO DUTY ON THE PART OF THE CITY TO INVESTIGATE OWNERSHIP AND WITH NO DUTY TO ATTEMPT TO NOTIFY THE OWNER.

(d) ANY PROPERTY IN POSSESSION OF THE POLICE DEPARTMENT THAT IS OF A PERISHABLE OR HAZARDOUS NATURE WILL NOT BE RETAINED FOR THE TIME LIMIT SPECIFIED IN THIS ARTICLE. ALL PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT THAT IS PERISHABLE AND IMPRACTICABLE FOR SALE MAY BE DISPOSED OF IMMEDIATELY. ANY PROPERTY SEIZED OR IN THE POSSESSION OF THE POLICE DEPARTMENT THAT IS HAZARDOUS

OR INHERENTLY DANGEROUS TO THE HEALTH, SAFETY OR WELFARE OF PEOPLE, MAY BE DISPOSED OF IMMEDIATELY.

(e) THE FOLLOWING ARE EXCLUDED FROM THIS ARTICLE:

(1) UNCLAIMED INTANGIBLE PROPERTY, WHICH IS ADMINISTERED AND DISPOSED OF PURSUANT TO COLORADO STATE LAW, SECTION 38-13-101, *ET SEQ.*, AS AMENDED.

(2) UNCLAIMED PENSION BENEFITS AS ADDRESSED IN CHAPTER 2, ARTICLE 10 OF THE NORTHGLENN MUNICIPAL CODE.

(3) PERSONAL PROPERTY HELD BY THE POLICE DEPARTMENT AS EVIDENCE IN ANY CASE OR FOR PURPOSES OF ANY INVESTIGATION BY THE POLICE DEPARTMENT OR ANOTHER LAW ENFORCEMENT AGENCY.

(4) MOTOR VEHICLES OR OTHER PERSONAL PROPERTY IMPOUNDED BY THE POLICE DEPARTMENT PURSUANT TO THE PROVISIONS OF ANY LAW OR ORDINANCE.

(5) ANY JUNK CAR OR ABANDONED VEHICLE SUBJECT TO THE PROVISIONS OF THIS MUNICIPAL CODE.

(6) ANY DOG, CAT, DOMESTIC ANIMAL, DOMESTIC FOWL, REPTILE, HORSE, BOVINE ANIMAL OR ASS.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2017.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2017.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney