

**WELD COUNTY  
CODE ORDINANCE 2019-06**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2  
ADMINISTRATION, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF  
WELD, STATE OF COLORADO:**

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

**WHEREAS**, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

**WHEREAS**, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

**CHAPTER 2  
ADMINISTRATION**

**ARTICLE VIII - Disposition of Recovered Property**

**Amend Sec. 2-8-10. Scope.**

This Article shall apply to all personal property and vehicles acquired or held by County staff during the normal course of their duties, and under circumstances supporting a reasonable belief that such property was abandoned, lost, confiscated, stolen or otherwise illegally possessed, including but not limited to property left on public or private property, in abandoned vehicles or at vehicle accident locations, unclaimed property obtained by a search and seizure and unclaimed property used as evidence in any criminal trial. This Article is enacted under the authority of C.R.S. §30-11-101(1)(i), and supersedes the requirements of C.R.S. §38-13-101 et seq., and C.R.S. §42-13-101 et seq. This Article shall not apply to the disposition of seized personal property pursuant to the terms of the provisions of the following state statutes: (1) State of Colorado's Abatement of Public Nuisance, C.R.S. §16-13-301 et seq.; (2) Colorado Contraband Forfeiture Act, C.R.S. §16-13-501 et seq.; (3) C.R.S. §12-55.5-110 et seq.; or (4) the civil actions portion of the Colorado Organized Crime Control Act, C.R.S. §18-17-101 et seq.

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Carly Koppes, Clerk and Recorder, Weld County, CO



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CC: CTB(EG), Ca(BB/BC)  
FI(OW/JO), SO(SR)  
ACT(BC/CO)  
06/24/19

**Amend Sec. 2-8-20. Definitions.**

The definitions of this Section shall govern the provisions contained in this Article, unless the context otherwise requires:

*Abandoned vehicle* means an abandoned motor vehicle as defined by C.R.S. §42-4-1802, or a non-motor vehicle which has been left unattended on public property, including any portion of a road right-of-way, for a period of forty-eight (48) hours or longer.

*Intangible personal property* means, without limitation, moneys, checks, drafts, deposits, interest, dividends, income, credit balances, overpayments, overbids, gift certificates, refunds, unpaid wages, and refunds.

*Motor vehicle* means any vehicle which is subject to the Public Tow Law, C.R.S. §42-4-1801 et. seq.

*Non-motor vehicle* means a device that is capable of moving itself, or of being moved, from place to place upon wheels or tracks, which is not otherwise a motor vehicle as defined by C.R.S. §42-1-102, including, but not limited to, boats, trailers, snowmobiles, tractors, low power scooters, and off-highway vehicles, but does not include bicycles, wheelchairs, or similar items.

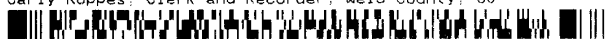
Tangible personal property means property which can be seen and touched, and includes, but is not limited to:

- a. thru g. – No change.
- h. Abandoned vehicles.

Remainder of Section – No change.

**Amend Sec. 2-8-30. Authority to take and hold property.**

- A. The Sheriff shall have authority to take possession of any tangible personal property which is confiscated by the Sheriff or any of his or her deputies or which is delivered to the Sheriff by any other law enforcement agencies, or property which is believed by the Sheriff to have been abandoned, lost, stolen or otherwise illegally possessed. The Sheriff shall not be required to accept any lost, confiscated, stolen or abandoned property not listed in Section 2-8-20 above, such as food, clothing, books, furniture or household items, etc. Whenever any County employee comes into possession of tangible personal property which said employee reasonably believes to be unclaimed and/or abandoned, lost or stolen property, or tangible personal property which has been properly seized by or on behalf of the County, said employee shall contact the Sheriff within twenty-four (24) hours of having come into possession of said property to inform the Sheriff. The Sheriff shall, within three (3) days, arrange to take possession of said tangible personal property.
- B. The Treasurer shall have the authority to take possession of any intangible personal property received by any office or department of the County, except for the Accounting Department, including, but not limited to, overpayments of taxes and fees. The Treasurer shall exercise due diligence to determine the owner of the intangible personal property, and if known, shall attempt to contact such owner. When the owner of the intangible personal property also owes property tax for property located in Weld County, the Treasurer may apply the value of the intangible personal property to the owner's property tax bill.



- C. The Controller shall have the authority to take possession of any intangible personal property received by the Accounting Department, including but not limited to unpaid wages, and uncashed checks or County warrants. The Controller shall exercise due diligence to determine the owner of the intangible personal property, and if known, shall attempt to contact such owner. When the owner of the intangible personal property also owes property tax for property located in Weld County, the Controller may coordinate with the Treasurer to apply the value of the intangible personal property to the owner's property tax bill.

**Amend Sec. 2-8-40. Appointment of custodian.**

The Sheriff shall designate an employee to act as custodian of all lost, confiscated, abandoned and/or stolen tangible personal property coming into the possession of the Sheriff's Office. The Treasurer and Controller shall each designate an employee to act as custodian of all abandoned intangible personal property.

**Amend Sec. 2-8-50. Custodian's responsibilities.**

It shall be the responsibility of the custodian to keep a record of all property which comes into the possession of the County. The record shall include the following information: the date and place of the finding, recovery or delivery of the property, any serial or vehicle identification number, a description of the property, the name and address of all claimants, the method of disposition of all property (whether by sale, destruction, return to owner or other disposition) and written receipts for the property as required by this Article. In addition, the custodian shall cause the property to be safely stored until disposal, unless otherwise required by this Article.

**Amend Sec. 2-8-60. Disposition of tangible personal property other than vehicles.**

- A. Procedure for disposition of tangible personal property, except vehicles, where the owner's identification is determinable or known.

A.1. thru B. – No change.

- C. Disposition of property where identity of owner is unknown.

1. If the identity or location of the owner or person entitled to possession of the property has not been ascertained within thirty (30) days, or six (6) months in the case of property believed to be stolen or otherwise illegally possessed, the property shall escheat to the County, and the owner or person entitled to possession of the property shall be forever barred from any and all claim or right to such property or the proceeds thereof.

Remainder of Section – No change.

**Add Sec. 2-8-65. Disposition of abandoned vehicles.**

- A. Disposition of abandoned motor vehicles. The Sheriff may dispose of abandoned motor vehicles as provided in the Public Tow Law, C.R.S. §42-4-1801 et. seq.
- B. Disposition of abandoned non-motor vehicles. Whenever the Sheriff finds an abandoned non-motor vehicle, he or she shall cause it to be removed and placed in storage in an impound lot designated or maintained by the Sheriff's Office.
1. The Sheriff shall provide the impound lot operator with all information described in Section 2-8-50, if known at the time of impounding the vehicle.
  2. The Sheriff shall ascertain, if possible, whether the vehicle has been reported stolen, and

if so, shall cause the vehicle to be returned to the rightful owner. The Sheriff may condition the return of the vehicle on the payment of the Sheriff's reasonable costs and fees for recovering and securing the vehicle, including the payment of impound fees.

3. The Sheriff shall determine, if possible, the owner of the vehicle, and shall attempt to contact him or her. Upon contact, the Sheriff shall provide the owner with the information described in Section 2-8-50, if known, and the name, location, and contact information for the representative of the impound lot where the vehicle has been stored. The Sheriff shall further advise the owner, in writing of, his or her right to request a hearing concerning the legality of the towing of the abandoned vehicle.
4. If the Sheriff is unable to determine the ownership of the vehicle, or if the owner has not responded to notice or otherwise failed to pay the Sheriff's Office for its reasonable fees related to recovering and securing the vehicle, the Sheriff may sell and otherwise issue a bill of sale to the buyer of the vehicle. If sale is made to the impound lot where the vehicle is stored and storage fees are owed, no public auction is required.

**Amend Sec. 2-8-70. Approval of Board of County Commissioners.**

The owner or person entitled to possession of the tangible personal property may claim and recover possession of the property at any time before a sale at public auction upon providing reasonable and satisfactory proof of ownership or right to possession and after reimbursing the Sheriff for all reasonable expenses of custody and handling thereof. Whenever the Sheriff or the personnel of any other department of the County determines that an item of unclaimed tangible personal property can be utilized by said department, the Sheriff or other department head shall apply to the Board of County Commissioners for approval to retain and to use said items of tangible personal property.

**Amend Sec. 2-8-90. Disposition of Intangible Personal Property.**

Whenever the Treasurer or Controller takes possession of abandoned intangible personal property, he or she shall make diligent effort to locate the rightful owner of such property, and if known, shall make diligent effort to contact such owner, and shall transfer possession of the owner's property to the owner. The Treasurer may apply the intangible personal property to the owner's property tax bill, as described in Section 2-8-30.

**BE IT FURTHER ORDAINED** by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

**BE IT FURTHER ORDAINED** by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.



The above and foregoing Ordinance Number 2019-06 was, on motion duly made and seconded, adopted by the following vote on the 17th day of June, A.D., 2019.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST: Eathan G. Shwick

Weld County Clerk to the Board

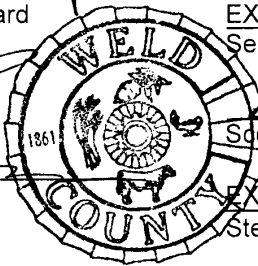
Barbara Kirkmeyer  
Barbara Kirkmeyer, Chair

BY: Calae A. Rempe  
Deputy Clerk to the Board

Mike Freeman  
Mike Freeman, Pro-Tem

APPROVED AS TO FORM:

[Signature]  
County Attorney



EXCUSED  
Sean P. Conway

Scott K. James

EXCUSED  
Steve Moreno

Date of signature: 06/18/19

First Reading: May 8, 2019  
Publication: May 15, 2019, in the Greeley Tribune

Second Reading: May 29, 2019  
Publication: June 5, 2019, in the Greeley Tribune

Final Reading: June 17, 2019  
Publication: June 26, 2019, in the Greeley Tribune

Effective: July 1, 2019