

**ORDINANCE NO. 1
SERIES 2021**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 2 OF
TITLE 6 OF THE VAIL TOWN CODE REGARDING PROCEDURES FOR
DISPOSING OF UNCLAIMED PROPERTY IN THE TOWN**

**NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL,
COLORADO, THAT:**

Section 1. Chapter 2 of Title 6 of the Vail Town Code is hereby repealed in its entirety and reenacted as follows:

6-2-1: DEFINITIONS:

For purposes of this Chapter, the following terms shall have the following meanings:

ABANDONED INTANGIBLE PROPERTY: Any fixed and certain interest in intangible property held, issued, or owned in the ordinary course of the Town's business, including without limitation cash, checks, drafts, deposits, interest, dividends, income, credit balances, customer overpayments, gift cards, refunds, unpaid wages or pension benefits, reimbursements, stocks, unpaid wages, and interest or income derived therefrom that is held by or under the control of the Town that has not been claimed by its owner for a period of more than one (1) year after the property became distributable.

OWNER: A person that owns unclaimed property held by the Town or their duly authorized legal representative or successor in interest.

UNCLAIMED PROPERTY: Any tangible or intangible property, except abandoned intangible property, that is held by or under the control of the Town that has not been claimed by its owner for a period of more than one hundred and eighty (180) days after the Town took possession of the property.

6-2-2: PROCEDURES:

A. **Personal Notice:** Prior to disposition of any unclaimed property having an estimated value of one thousand dollars (\$1,000) or more or any abandoned intangible property regardless of value, the Police Department shall give written notice by certified mail, return receipt requested, to the last known address of a known owner of the unclaimed property or the abandoned intangible property. The notice shall include a description of the property, the estimated value of the property, and the location where the owner may pick up the property. The notice shall also state that if the owner fails to provide the Police Department with a written claim for the return of any unclaimed property within thirty (30) days of the date of the notice for

unclaimed property, or five (5) years for abandoned intangible property, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

B. Notice by Publication: Prior to disposition of any unclaimed property having an estimated value of one thousand dollars (\$1,000) or more and having no known owner or disposition of any abandoned intangible property, or when the Town has no last known address of the owner, the Police Department shall cause a notice to be published on the Town's website. The notice shall include a description of the property and the estimated value of the property. The notice shall also state that if the owner fails to provide the Police Department with a written claim within thirty (30) days of the date of the publication of the notice for unclaimed property, or five (5) years for abandoned intangible property, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

C. Time Limits:

1. If the Police Department receives no timely written claim, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

2. Any unclaimed property of less than one thousand dollars (\$1,000) shall become the sole property of the Town thirty (30) days after it becomes unclaimed property.

3. Any abandoned intangible property shall become the sole property of the Town five (5) years after it becomes abandoned intangible property.

D. Claims: The Police Department shall evaluate each timely written claim and give written notice within thirty (30) days that the claim has been accepted or denied in whole or in part. The Police Department may investigate the validity of the claim and may request further supporting documentation from the claimant. If there is more than one claimant for the same property, the Police Department may, in its sole discretion, resolve said claims, or may file an interpleader action. If any claim is denied, the property shall become the sole property of the Town and any claim of the owner of such property shall be deemed forfeited. The Police Department's decision shall be final, subject only to judicial review as provided by law.

6-2-3: EXEMPTIONS:

Vehicles subject to impoundment are exempt from this Chapter.

6-2-4: DISPOSITION:

In the event unclaimed property or abandoned intangible property becomes the property of the Town under this Chapter, or is otherwise deemed forfeited to the Town, the Police Department may elect to retain the property for use in the conduct of Town business, may elect to donate the property to a non-denominational charitable organization serving the citizens of the Town, or may elect to sell the property at public auction. 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 shall remain the property of the Town and the Town may either retain the property or dispose of it.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The amendment of any provision of the Vail Town Code in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 4. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED
PUBLISHED ONCE IN FULL ON FIRST READING this 5th day of January, 2021 and a
public hearing for second reading of this Ordinance is set for the ____ day of
_____, 2021, in the Council Chambers of the Vail Municipal Building, Vail,
Colorado.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this ____ day of _____, 2021.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk