

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2025

COUNCIL BILL NO. CB25-_____
COMMITTEE OF REFERENCE:

A BILL

For an ordinance amending Section 54-816 of Division 2 of Article XV of Chapter 54 of the Revised Municipal Code of the City and County of Denver concerning disposal procedure of impounded vehicles.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Chapter 54, article XV, division 2, section 54-816, D.R.M.C., shall be amended by adding the language underlined, to read as follows:

Sec. 54-816. – Disposal procedure.

(a) Whenever, pursuant to the terms of this division, a vehicle has been impounded, and no claim of ownership or the right to possession thereof has been made, or when such claim has been made, but not established to the satisfaction of the manager of safety, and no suit or action to determine such claim has been instituted and is pending, the manager of safety may dispose of such vehicle.

(b) The manager of safety, in accordance with the terms of a notice as provided in section 54-814 above, or without the giving of such notice if no person claiming an interest in the vehicle is determined by the manager of safety, shall declare the vehicle abandoned and shall immediately thereafter deliver to the manager of general services the custody of such vehicle, together with a transcript of information and proceedings concerning such vehicle. The manager of general services may then dispose of the vehicle, either by public auction, sale by sealed bid, conversion to scrap metal, or application to the county court for an order converting use of the vehicle to the Denver Police Department, as the manager of general services deems in the best interests of the city and the public safety and welfare, taking into consideration environmental protection and the recycling of resources. The manager of general services, on behalf of the City and County, may donate the vehicle to charitable or nonprofit organizations, School District No. 1, or to other governmental jurisdictions, pursuant to rules, or policies and procedures, adopted by the manager. The manager of general services may apply for such court order only if the notice procedure after impoundment produced no owner or no claim of right to possession has been made to the manager of safety or the vehicle identification number has been altered or obliterated and the provisions of C.R.S. § 42-

5-107 apply. Disposition by the manager of general services or the court shall discharge the city from any further responsibility in connection with the vehicle and from any duty to further retain or store the vehicle. If disposition is made by public auction, the place of sale shall be the place where the vehicle is stored or impounded, or, if the place is manifestly unsuitable for the purpose, at a suitable place. The manager of general services shall publish at least once in an official publication of the city a notice of the sale, describing the vehicle to be sold and stating where and when the sale will take place. The sale shall be held not less than ten (10) days from the date of the publication.

(c) From the proceeds of such sale the manager of general services shall satisfy the claim of the city for such charges or removal and storage of the vehicle and for the reasonable charges or expenses for, or of such notice, advertisement and sale in the manner as if voluntarily paid by a person entitled to possession of the vehicle immediately prior to the sale. The balance, if any, of the proceeds shall be paid into the treasury of the city and appropriated to the general fund; within one (1) year from the date of any sale resulting in the payment of any such balance of proceeds into the treasury, any person claiming to be entitled to the same may request the department of general services to initiate the refund there to such person, whereupon the manager of general services shall make, or cause to be made, a thorough examination into the merits of such requested refund, determine whether it is justified, and approve or disapprove the same. For any such requested refund so approved by the manager of general services, the manager shall cause to be prepared a refund voucher, the form and contents thereof shall be prescribed by the manager of finance, and cause the same to be transmitted to the manager of finance for approval and issuance of payment; such refund shall be charged against the general fund and shall be paid only out of the appropriation for "general fund refunds" or such other appropriation as may hereafter be provided for that purpose. Failure on the part of any person to so request the initiation of a refund to such person within one (1) year from the date of sale shall be conclusive of the fact that such person has no meritorious claim for such refund, and such person shall not thereafter be entitled thereto, and in the absence of such timely request for the initiation of a refund within the period of one (1) year from the date of sale, such person shall not thereafter commence or maintain any action, suit, or proceeding whatsoever to obtain the same and the city shall be under no liability to such person whatsoever, by reason of the sale or the payment of any part of the proceeds of the sale, or the entire proceeds of the sale into the treasury of the city.

(d) When any vehicle is offered for sale at auction pursuant to the terms of this section, the manager of general services may announce the total amount of charges for removal and storage of the vehicle, and the charges or expenses of notice, advertisement, and sale, and declare that all bids must be in excess of this total amount. If no bids are received in excess of this total amount, the

1 vehicle may be declared sold to the city for the amount of the charges; likewise, if any vehicle is
2 offered for sale at auction pursuant to the terms of this section and there is no bid or offered bid for
3 the same, the vehicle may be declared sold to the city for the amount of the charges, and in both
4 events, the vehicle may be placed in the custody of the department of general services for the sole
5 benefit and use of the city.

6 (e) There shall be no right of redemption or recovery from any sale or other disposition
7 made pursuant to the terms of this section, and after a vehicle has been sold or disposed of pursuant
8 to such terms, neither the city, nor any officer, agent or employee thereof shall be liable for a failure
9 to deliver such vehicle to any one claiming a right of redemption.

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11 COMMITTEE APPROVAL DATE: _____, _____

12 MAYOR-COUNCIL DATE: _____, _____

13 PASSED BY THE COUNCIL: _____

14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

20 PREPARED BY: Brian L. Martin, Assistant City Attorney DATE: _____, 2025

21 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
22 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
24 § 3.2.6 of the Charter.

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26 Katie J. McLoughlin, Interim City Attorney

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28 BY: _____, Assistant City Attorney DATE: _____