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ARTICLE 1

Code

Sec. 1-1-10. Adoption of Code.

The published code known as the Crested Butte Municipal Code, published by Colorado Code Publishing Company, of which one (1) copy is now on file in the office of the Town Clerk and may be inspected during regular business hours, is enacted and adopted by reference as a primary code and incorporated herein as if set out at length. This primary code has been promulgated by the Town of Crested Butte, Colorado, as a codification of all the ordinances of the Town of Crested Butte of a general and permanent nature through Ordinance No. 4, Series of 2009, for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of the Town. (Prior code 0-5; Ord. 4 §1, 2009)

Sec. 1-1-20. Title and scope.

The Charter and ordinances embraced in this and the following chapters shall constitute a compilation, revision and codification of all the ordinances of the Town of Crested Butte, Colorado, of a general and permanent nature, and shall be cited and known as the *Crested Butte Municipal Code*. (Prior code 0-1; Ord. 4 §1, 2009)

Sec. 1-1-30. Code supersedes prior ordinances.

This Code shall supersede all other municipal codes consisting of compilations of general and permanent ordinances and parts of ordinances passed by the Town Council. (Ord. 4 §1, 2009)

Sec. 1-1-40. Adoption of secondary codes by reference.

Secondary codes may be adopted by reference, as provided by state law. (Ord. 4 §1, 2009)

Sec. 1-1-50. Repeal of ordinances not contained in Code.

All existing ordinances and parts of ordinances of a general and permanent nature inconsistent with any ordinance included in the adoption of this Code are hereby repealed; to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Prior code 0-5; Ord. 4 §1, 2009)

Sec. 1-1-60. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-1-50 of this Code shall not affect any right which has accrued, any duty imposed, any offense committed or act done, any penalty or forfeiture incurred, any action or proceedings as commenced under or by virtue of the provisions repealed, the tenure of any person holding office or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed. (Prior code 0-6; Ord. 4 §1, 2009)

Sec. 1-1-70. Ordinances saved from repeal.

The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission therefrom, and the adoption of this Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the ordinances not repealed or amended by the adoption of this Code are ordinances:

- (1) Creating, opening, dedicating, naming, renaming, vacating or closing specific streets, alleys and other public ways.
- (2) Establishing the grades or lines of specific streets, sidewalks and other public ways.
- (3) Creating specific sewer and paving districts and other local improvement districts.
- (4) Authorizing the issuance of general obligation or specific local improvement district bonds.
- (5) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (6) Annexing territory to or excluding territory from the Town.
- (7) Dedicating or accepting any specific plat or subdivision.
- (8) Calling or providing for a specific election.
- (9) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (10) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (11) Authorizing a specific lease, sale, purchase or conveyance of property.
- (12) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (13) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.
- (14) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- (15) Appropriating money.
- (16) Levying a temporary tax or fixing a temporary tax rate.
- (17) Relating to salaries.
- (18) Amending the Official Zoning Map.

(19) Authorizing the acceptance, assignment or conveyance of easements. (Ord. 4 §1, 2009)

Sec. 1-1-80. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Town for adoption and revision as part of this Code, certain grammatical changes and other changes were made in one (1) or more of said ordinances. It is the intention of the Town Council that all such changes be adopted as part of this Code as if the ordinances so changed had been previously formally amended to read as such. (Ord. 4 §1, 2009)

ARTICLE 2

Definitions and Usage

Sec. 1-2-10. Definitions.

In the construction of this Code and of all ordinances of the Town of Crested Butte, the following words and phrases, whenever used in the ordinances of the Town of Crested Butte, and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Appropriation means the authorized amount of moneys set aside for expenditures during a specified time for a specific purpose.

Charter means the Home Rule Charter of the Town of Crested Butte, adopted on November 5, 1974.

Code means the Crested Butte Municipal Code, as published and subsequently amended, unless the context requires otherwise.

Constitution means the Constitution of the State of Colorado.

Council means the Town Council of the Town of Crested Butte, including the Mayor, unless otherwise provided.

County means the County of Gunnison, Colorado.

C.R.S. means the Colorado Revised Statutes, including all amendments thereto.

Day means the period of time between any midnight and the midnight following.

Daytime means the period of time between sunrise and sunset.

Elector means a person qualified to vote under the Constitution and statutes of the State of Colorado.

Employee means a person employed by the Town of Crested Butte.

Franchise means an irrevocable privilege granted by the Town permitting a specified use of public property for a specified length of time.

General municipal election means a municipal election held at which candidates for elective offices of the Town are voted upon in accordance with this Code and the Charter of the Town.

Law denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

May is permissive.

Misdemeanor means and is to be construed to mean a violation and is not intended to mean crime or criminal conduct.

Month means a calendar month.

Nighttime means the period of time between sunset and sunrise.

Oath shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation or declaration may be substituted for an oath, and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.

Officer means any person elected to office or appointed by the Town Council, including appointees to boards and commissions.

Ordinance means a law of the Town; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

Owner, applied to a building, motorized vehicle, animal or other real or personal property, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety or any other person with a possessory interest in the whole or a part of such building, land, motor vehicle, animal or other real or personal property.

Permanent board or commission means a board or commission intended by the Town Council to be a part of the permanent governmental structure of the Town as established by ordinance or the Charter.

Person means a natural person, firm, partnership, corporation, association, joint venture, joint stock company, club, company, business, trust or other organization acting as a group or unit, or the manager, lessee, agent, servant, officer or employee of any of them.

Personal property includes money, goods, chattels, things in action and evidences of debt.

Preceding and *following* mean next before and next after, respectively.

Property includes real, tangible, intangible and personal property.

Public utility means any person, firm or corporation operating heat, power or light systems, communication systems, water, sewer or scheduled transportation systems, and serving or supplying the public under a franchise or other right granted by the Town.

Public way means any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

Real property includes lands, tenements and hereditaments.

Shall and *must* are both mandatory.

Sidewalk means that portion of the street between the curblin and the adjacent property line intended for the use of pedestrians.

State means the State of Colorado.

Statutes means the applicable laws of the State of Colorado as they exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.

Street means and includes any public way, highway, street, avenue, boulevard, parkway, lane, alley, court, place, square, curb or other public thoroughfare in the Town which has been or may hereafter be dedicated and open to public use, or such other public property so designated in any state law; and each of such words shall include all of them.

Tenant and *occupant*, applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

Town means the Town of Crested Butte, Colorado, a municipal corporation, or the area within the territorial limits of the Town of Crested Butte, Colorado, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

Town Council means the Town Council of the Town of Crested Butte, including the Mayor, unless otherwise provided.

Written includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

Year means a calendar year, unless otherwise expressed. (Prior code 0-2; Ord. 4 §1, 2009)

Sec. 1-2-20. Computation of time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be done falls on Saturday, Sunday or a legal holiday, the act shall be done upon the next regular business day following such Saturday, Sunday or legal holiday. (Prior code 0-2; Ord. 4 §1, 2009)

Sec. 1-2-30. Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town, or his or her designated representative. (Ord. 4 §1, 2009)

Sec. 1-2-40. Usage of terms.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Prior code 0-2)

Sec. 1-2-50. Grammatical interpretation.

The following grammatical rules shall apply to this Code and to Town ordinances:

- (1) Any gender includes the other genders.
- (2) When not inconsistent with the context, words in the plural number include the singular number, and words in the singular number include the plural number.
- (3) Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
- (4) Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Prior code 0-2; Ord. 4 §1, 2009)

ARTICLE 3

General

Sec. 1-3-10. Titles and headings not part of Code.

The title of any section or subsection of this Code shall not be deemed to in any way restrict, qualify or to limit the effect of the provisions set forth and contained in such section or subsection. Such chapter and article titles, headings, numbers and titles of sections and other divisions are inserted in this Code, may be inserted in supplements to this Code for the convenience of persons using this Code, and are not part of this Code. (Prior code 0-1; Ord. 4 §1, 2009)

Sec. 1-3-20. Authorized acts.

When this Code requires an act to be done which may as well be done by an agent, designee or representative as by the principal, such requirement shall be construed to include all such acts performed when done by an authorized agent, designee or representative. (Ord. 4 §1, 2009)

Sec. 1-3-30. Prohibited acts.

Whenever in this Code or any Town ordinance any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 4 §1, 2009)

Sec. 1-3-40. Timeliness of acts.

In all cases where any chapter, article or section requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice. (Prior code 0-1; Ord. 4 §1, 2009)

Sec. 1-3-50. Purpose of Code.

The provisions of this Code, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice. (Ord. 4 §1, 2009)

Sec. 1-3-60. Repeal of ordinances.

The repeal of an ordinance by any provision of this Code shall not revive any provision or any ordinance theretofore repealed or superseded. (Prior code 0-6; Ord. 4 §1, 2009)

Sec. 1-3-70. Amendments to Code.

Any additions or amendments to this Code shall be adopted as ordinances and when passed in such form as to indicate the intention to make the same a part thereof, all of the substantive, permanent and general parts of said ordinances and changes made thereby shall be incorporated into this Code so that the reference to it as *Crested Butte Municipal Code* shall be understood as including such additions and amendments. (Prior code 0-3; Ord. 4 §1, 2009)

Sec. 1-3-80. Subject and title of amending ordinances.

No provision of any ordinance of the Town shall be amended by reference to its title only or by interlineation, but all amendments shall be made by reenacting the section or subsection as amended. No ordinances except those appropriating money, or ordinances in general revision of ordinances, shall be passed or adopted containing more than one (1) subject, which shall be clearly set forth in its title. (Prior code 0-9; Ord. 4 §1, 2009)

Sec. 1-3-90. Supplementation of Code.

(a) The Town Council shall cause supplementation of this Code to be prepared and printed from time to time as it may see fit. All substantive, permanent and general parts of ordinances passed by the Town Council or adopted by initiative and referendum, and all amendments and changes in temporary and special ordinances or other measures included in this Code prior to the supplementation and since the previous supplementation, shall be included.

(b) It shall be the duty of the Town Clerk, or someone authorized and directed by the Town Clerk, to keep up to date the one (1) certified copy of the book containing this Code required to be filed in the office of the Town Clerk for the use of the public. (Ord. 4 §1, 2009)

Sec. 1-3-100. Examination of Code.

The Town Clerk shall carefully examine at least one (1) copy of the Code adopted by this Ordinance to see that it is a true and correct copy of this Code. Similarly, after each supplement has been prepared, printed and inserted in this Code, the Town Clerk shall carefully examine at least one (1) copy of this Code as supplemented. The copy of this Code as originally adopted or amended shall constitute the permanent and general ordinances of the Town and shall be so accepted by the courts of law, administrative tribunals and all others concerned. (Ord. 4 §1, 2009)

Sec. 1-3-110. Copy of Code on file.

At least one (1) copy of this Code so certified and sealed most recently shall be kept in the office of the Town Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law. (Ord. 4 §1, 2009)

Sec. 1-3-120. Sale of Code books.

Copies of this Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Town Council. (Ord. 4 §1, 2009)

Sec. 1-3-130. Severability.

The provisions of this Code are declared to be severable, and if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that, if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby. (Prior code 0-4)

ARTICLE 4

General Penalty

Sec. 1-4-10. Violations.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required in this Code. (Ord. 4 §1, 2009)

Sec. 1-4-20. General penalty for violation.

(a) Any person who violates or fails to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding

one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30 below.

(b) Each day such violation continues shall be considered a separate and additional offense.

(c) In addition, any person violating any provision of this Code shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation. In addition, such person shall pay all costs and expenses in the case, including attorney fees.

(d) The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any such violation.

(e) The remedies provided in this Section are cumulative and not exclusive and are in addition to any other remedies provided by law. (Prior code 0-7; Ord. 18 §E, 1997; Ord. 4 §1, 2009)

Sec. 1-4-30. Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code. (Ord. 4 §1, 2009)

Sec. 1-4-40. Altering or tampering with Code; penalty.

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Chapter, or who shall alter or tamper with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 above. (Ord. 4 §1, 2009)

Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code.

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 above unless another penalty is specifically provided for the violation. (Ord. 4 §1, 2009)

Sec. 1-4-60. Nonwaiver for omission to specific law.

The omission to specify or enumerate herein those provisions of the state statutes applicable to municipalities shall not be construed to be a waiver of the benefits of any or all such provisions. (Prior code 0-8; Ord. 4 §1, 2009)

Sec. 1-4-70. Interpretation of unlawful acts.

Whenever in this Code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful. (Prior code 0-2; Ord. 4 §1, 2009)

ARTICLE 5

Inspections

Sec. 1-5-10. Entry.

Whenever necessary to make an inspection to enforce any provision of this Code or any ordinance, or whenever there is probable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the Town, any public inspector of the Town may, upon presentation of proper credentials and upon obtaining permission of the occupant or if unoccupied, the owner, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by ordinance. In the event the occupant or, if unoccupied, the owner, refuses entry to such building or premises, or the public inspector is unable to obtain permission of such occupant or owner to enter such building or premises, the public inspector is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 4 §1, 2009)

Sec. 1-5-20. Authority to enter premises under emergency.

Law enforcement officers certified with the State, members of the Fire Department, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the Town, certified emergency medical technicians and paramedics during the course of employment with a governmental agency are hereby granted the authority to enter private residences within the Town without invitation from the occupant of the residence at any time such persons have reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant of such premises is incapable of consenting to the entry because of such medical emergency. (Ord. 4 §1, 2009)

Sec. 1-5-30. Announcement of purpose and authority to enter premises.

Unauthorized entry pursuant to Section 1-5-20 shall be permissible only after the individuals seeking entry have announced both their purpose and authority in a loud and conspicuous voice and have waited a reasonable period of time for the occupant to respond before making entry. (Ord. 4 §1, 2009)

ARTICLE 6

Seal

Sec. 1-6-10. Corporate seal.

A seal, the impression of which contains in the center the words "Seal Incorporated July 2, 1880," and around the outer edge the words "Town of Crested Butte, Colorado," shall be and is hereby declared to be the Seal of the Town. (Prior code 0-11; Ord. 4 §1, 2009)

ARTICLE 7

Administration and Disposition of Unclaimed Property

Sec. 1-7-10. Purpose.

The purpose of this Article is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town. (Prior code 7-1-12; Ord. 12 §2, 1995)

Sec. 1-7-20. Definitions.

Unless otherwise required by context or use, words and terms in this Article shall be defined as follows:

Director means the Director of Finance.

Owner means a person or entity, including a corporation, partnership, association, governmental entity other than the Town, or a duly authorized legal representative or successor in interest of the same, which owns unclaimed property held by the Town.

Unclaimed property means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town, and which has not been claimed by its owner for a period of more than one (1) year after it became payable or distributable. *Unclaimed property* does not mean any abandoned vehicles, as defined in Section 7-1-10 of this Code. (Prior code 7-1-12; Ord. 12 §2, 1995; Ord. 4 §1, 2009)

Sec. 1-7-30. Procedure for disposition of property.

(a) Prior to disposition of any unclaimed property having an estimated value of fifty dollars (\$50.00) or more, the Director shall send a written notice by certified mail, return receipt requested, to the 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 records of the Town. 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 Director with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(b) Prior to the disposition of any unclaimed property having an estimated value of less than fifty dollars (\$50.00) or having no identity of the owner or last known address of the owner, the Director shall cause a notice to be published in a newspaper published in the Town. 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 Director with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the Town, and any claim of the owner to such property shall be deemed forfeited.

(c) If the Director receives no written claim within the above sixty-day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(d) If the Director receives a written claim within the sixty-day claim period, the Director shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Director 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 (1) claimant for the same property, the Director may, in the Director's sole discretion, resolve said claims or may resolve such claims by depositing the disputed property with the registry of the Gunnison County 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 Town, and any claim of the owner of such property shall be deemed forfeited.

(g) Any legal action filed challenging a decision of the Director 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 Director pursuant to the order of the Court having jurisdiction over such claim.

(h) The Director is hereby authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Article, including compliance requirements for other Town officers and employees in the identification and disposition of such property. (Prior code 7-1-12; Ord. 12 §2, 1995; Ord. 4 §1, 2009)

Sec. 1-7-40. Sale of unclaimed property.

The Director, in his or her discretion, may offer any unclaimed property for public sale by auction or advertisement, may devote such property to municipal use or, if the Director determines that the probable costs of sale exceed the value of the property, may dispose of the property by any appropriate means or donate it to a public or charitable purpose. (Prior code 7-1-12; Ord. 12 §2, 1995)

Sec. 1-7-50. Disposal of abandoned or confiscated property.

The Town Marshal is hereby authorized to possess and dispose of any and all abandoned vehicles as defined in Section 7-1-10 of this Code, in any commercially reasonable manner, including sale by auction or advertisement, or by donating a vehicle of questionable commercial value to public or charitable purpose. To *abandon* means to leave a thing with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving. The procedure for such disposal shall conform with applicable state law, including any required notice, hearing or other due process requirements. (Prior code 7-1-11; Ord. 12 §1, 1995; Ord. 4 §1, 2009)