

ORDINANCE NO. 086-087

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING  
CHAPTER 13 OF THE CODE OF ORDINANCES OF THE TOWN OF  
ADDISON, TEXAS, TO ADD SEC. 13.50 ET AL; PROVIDING FOR  
INTENT AND PURPOSE; PROVIDING FOR THE SALE OF UNCLAIMED  
AND SURPLUS PROPERTY; PROVIDING FOR EXCEPTIONS;  
PROVIDING FOR CONFLICTING SECTIONS; PROVIDING FOR A  
REPEAL CLAUSE; PROVIDING FOR SEVERABILITY; AND  
DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS:

SECTION 1. Intent and Purpose. The City Council of the  
Town of Addison finds and declares that:

(a) Property under the care, custody or control of the  
Town of Addison is and may in the future be abandoned,  
unclaimed, stolen, recovered, surplus, obsolete, worn out or  
useless.

(b) Such a situation invites plundering, creates fire  
hazards, extends and aggravates urban blight, causes a drain  
on municipal resources in the storage and maintenance of the  
property, and results in a serious hazard to the public  
health, safety, comfort, convenience, welfare and happiness  
of the residents of the Town of Addison.

(c) It is a matter of public necessity that the Town

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of Addison take steps to remedy the situation by enacting the provisions hereinafter contained.

(d) The revenues generated by the sales of unclaimed and surplus property will be available for other municipal purposes.

(e) There is an immediate and present danger presented by the above described situation, creating an emergency.

SECTION 2. That Chapter 13 of the Code of Ordinances of the Town of Addison, Texas, is hereby amended by adding

Sec. 13-50 AUTHORITY TO SELL; DEPOSIT OF CASH

(a) The following property may be sold by the city in the manner provided in this article:

(1) abandoned, stolen or recovered property, except motor vehicles, or perishable property which may be sold immediately, that remains unclaimed with the city for 60 days, whether or not the owner is known.

(2) abandoned, stolen or recovered motor vehicles that remain unclaimed with the city for 30 days, whether or not the owner is known; and

(3) personal property owned by the city that has been declared surplus, obsolete, worn out or useless by the head of a department and that is no longer needed for public use.

(b) Items of personal property, the sale of which is restricted by criminal law, are not subject to the provisions of this section.

(c) Cash money that is abandoned, stolen, or recovered, that remains unclaimed with the police department for 60 days, and that is not being held for

evidence, whether or not the owner is known, shall be deposited in the general fund of the city unless the money is of collector quality. Money of collector quality may be <sup>soled</sup> as other personal property.

(d) For the purpose of this article, abandoned property includes personal property that the Fire Marshall, Health Inspector or Building Inspector has ordered removed from a structure to be demolished.

Sec. 13-51 DELIVERY OF UNCLAIMED PROPERTY TO DIRECTOR OF PURCHASING; USE FOR CITY PURPOSES.

(a) The chief of police or the director of the department holding property shall give the director of purchasing of the city a list of all unclaimed property subject to sale under this article and may deliver the listed property, except motor vehicles, to the director of purchasing before the date of sale. The director of purchasing shall give the chief of police or other department director a receipt which indicates in detail all property delivered. The chief of police shall retain custody of motor vehicles until a sale is made. If the Chief of Police shall determine that a motor vehicle has only salvage value, he is authorized to allow the vehicle to be sold by the method provided for by state law.

(b) If in reviewing the list of unclaimed property subject to sale, the director of purchasing determines that certain items of property could be used by the city, he may recommend to the city manager that

the items be used for city purposes rather than sold. If the city manager believes that it is in the best interests of the city, he may authorize the director of purchasing to remove specific items from the list of property subject to sale and to convert the items to use for city purposes, including, but not limited to, using the item as a trade in and trading the property with other governmental agencies.

Sec. 13-52. METHOD OF SALE.

(a) The director of purchasing shall sell unclaimed property and surplus, obsolete, worn out or useless property by public auction or by accepting sealed bids, to the highest bidder. The property may be auctioned, each piece individually or in assembled lots, whichever the director of purchasing determines will bring the best price obtainable, except for motor vehicles which must be sold individually. If in the opinion of the director of purchasing the highest bid on a particular item is not sufficient, he may refuse the bid and hold the item for sale at another time.

(b) If the Director of Purchasing finds that it would be in the best interest of the City to sell the property in an auction conducted by another city, it shall be permissible for other municipalities to sell unclaimed or surplus property of which the Town of

Addison has an ownership claim or interest but which is under the temporary care, authority, custody and control of said municipality, provided the proceeds from said sale are remitted to the Town of Addison.

(c) If the director of purchasing receives a group of ten or more identical items for sale, he may, at his discretion, sell a minimum of three of the items at public auction. He may then advertise in the official newspaper of the city and sell the remaining items at a price not less than the average price obtained for the auctioned items.

(d) When the sale is to be by acceptance of sealed bids, the bids must remain in the office of the city secretary for public inspection at least 48 hours after the bids are opened.

(e) The director of purchasing shall accept cash money or personal or business checks if proper identification is shown, for the sale of items by any method of sale. He may accept a bank credit card which the city honors pursuant to contractual arrangements with a bank.

(f) If the highest bid for property is \$10,000 or less, the property may be sold to the highest bidder by the director of purchasing subject to the approval of the city manager. If the highest bid for property is

more than \$10,000, the sale to the highest bidder must be confirmed by the city council.

Sec. 13-53. TIME AND PLACE OF SALE; NOTICE

(a) After determining the time and place for a public auction, acceptance of sealed bids, or sale of identical items, the director of purchasing shall give notice of the auction, acceptance or sale by:

(1) advertising in the official newspaper of the city for two consecutive days, the last publication date to be not less than seven days before the date of the auction, acceptance or beginning of sale; and

(2) sending by certified mail to the last known address of the owner of unclaimed property, if the name of the owner is known, 14 days before the date of auction, acceptance or beginning of sale.

(b) The notice must contain the time and place of auction, acceptance or sale and a general listing of the property to be sold.

Sec. 13-54. RECORDS: REPORTS TO THE CITY CONTROLLER;

PROCEEDS.

(a) The director of purchasing shall keep accurate records of all sales and shall submit reports to the city controller containing:

(1) the time, place and method of sale; and

(2) copies of receipts given for all sales which describe the items sold and show the price paid for the items.

(b) The director of purchasing shall keep sales

tickets covering each transaction for 30 months, at which time they may be destroyed.

(c) The director of purchasing shall deposit all proceeds received from sales to the credit of the appropriate fund.

Sec. 13-55. DESTRUCTION OF RESTRICTED WEAPONS, EXCEPTIONS.

(a) All abandoned, stolen or recovered clubs, explosive weapons, firearm silencers, handguns, illegal knives, knuckles, machine guns and short-barrel firearms that remain unclaimed with the police department for 60 days and that are not being held for evidence, must be destroyed in the presence of:

(1) three police officers of the rank of lieutenant or higher; or

(2) one police officer of the rank of lieutenant or higher, a representative of the city council, and a representative of the crime commission; or

(3) two police officers of the rank of lieutenant or higher and a representative of the city council or crime commission.

(b) The witnesses shall make a report under oath to the city council, listing the make, model, type and serial number of the weapons destroyed and stating the time, date, place and manner of destruction.

(c) This requirement of destruction does not apply to:

(1) guns or weapons that the chief of police



has determined to be servicable, which shall be kept in reserve by the police department for use in the event of civil disorder or disaster;

(2) guns or weapons that have been classified as antiques or collector's items by a qualified expert in the firearms field selected by the chief of police. These handguns shall be advertised and sold as provided in Secs. 13-52 and 13-53; or

(3) guns or weapons that the chief of police has determined are required for training purposes, or whose parts are needed for repair of departmental weapons.

Sec. 13-56. PURCHASE BY CERTAIN PERSONS PROHIBITED.

(a) The following persons shall not, directly or indirectly, submit a bid for, purchase or acquire ownership of, personal property sold pursuant to the provisions of this article;

(1) City employees who work in the city manager's office or the department of purchasing.

(2) The person who determines that the property is surplus, obsolete, worn out or useless.

(b) In addition to other penalties, a person who violates this section forfeits his employment.

SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or

be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 5. The fact that the present Code does not provide adequately for disposal or sale of unclaimed or stolen property and is therefore inadequate to properly safeguard the general public, health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, this the 14th day of October, 1986.

  
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MAYOR

ATTEST:

  
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CITY SECRETARY