

ORDINANCE NO. 091-008

AN ORDINANCE OF THE TOWN OF ADDISON, DALLAS COUNTY, TEXAS AMENDING CHAPTER 13, POLICE DEPARTMENT, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, TO PROVIDE FOR AUTHORITY TO SELL UNCLAIMED PROPERTY; TO PROVIDE FOR DELIVERY OF UNCLAIMED PROPERTY TO DIRECTOR OF PURCHASING; TO PROVIDE FOR METHOD OF SALE; TO PROVIDE FOR NOTICE OF TIME AND PLACE OF SALE; TO PROHIBIT PURCHASE BY CERTAIN PERSONS; TO PROVIDE A SAVINGS CLAUSE; TO PROVIDE FOR REPEAL; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Section 13-50 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

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, gambling paraphernalia, weapons, criminal instruments and other contraband, or perishable property which may be sold immediately, that remains unclaimed with the City for 30 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) gambling paraphernalia, weapons, criminal instruments and other contraband shall be disposed of in accordance with the Texas Code of Criminal Procedure.

(4) 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 30 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 sold 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.

(e) For purposes of this article, the term "Owner" means any person, firm, or corporation having title to or possession of property.

SECTION 2. That Section 13-51 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

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 and pursuant to Addison Code of Ordinances Sec. 9-176 et seq.

(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.

(c) The Director of Purchasing shall notify the Owner of the property as provided by law.

SECTION 3. That Section 13-52 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

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, cashier's checks, traveler's checks, or company or personal checks with a bank letter of guarantee for the current sale of items by any method of sale.

(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.

SECTION 4. That Section 13-53 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

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

(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; advertising in the official newspaper of the City once at least three weeks prior to the date of such auction, acceptance or beginning of sale.

(b) The notice must contain the date, time and place of auction, acceptance or sale, the description of the property to be sold and the names of the Owner if known.

SECTION 5. That Section 13-55 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Section 13-55. DISPOSAL OF WEAPONS, EXCEPTIONS.

(a) All abandoned, stolen, recovered, or seized weapons which are prohibited or restricted under state law and all seized explosive weapons and chemical dispensing devices shall be disposed of in accordance with the Texas Code of Criminal Procedure.

(b) Weapons not subject to destruction or other disposition are the following:

(1) Guns or weapons that the Chief of Police has determined to be serviceable, 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 anti-ques or collector's items by a qualified expert in the

firearms field selected by the Chief of Police. These handguns may be either advertised and sold as provided in Secs. 13-52 and 13-53; or destroyed, as the Chief of Police deems proper; 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.

SECTION 6. That Section 13-56 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

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

(a) City employees shall not, directly or indirectly, submit a bid for, purchase or acquire ownership of, personal property sold pursuant to the provisions of this article, unless specifically approved in writing before the sale by the City Manager.

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

SECTION 7. That Chapter 13, "Police Department" of the Code of Ordinances Town of Addison, Texas, shall remain in full force and effect, save and except as amended by this ordinance.

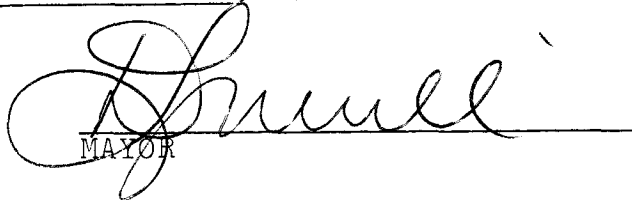
SECTION 8. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 9. 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 10. Any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Five Hundred and no/100 Dollars (\$500.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 11. This ordinance shall take effect and be in force from and after its adoption as provided by law.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this 12th day of March, 1991.


MAYOR

ATTEST:


CITY SECRETARY

C13-CASH-CASH2

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