

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 013-024

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 2, ARTICLE VI (DISPOSAL OF UNCLAIMED OR SURPLUS PROPERTY) OF THE TOWN'S CODE OF ORDINANCES BY AMENDING SECTION 2-303 THEREOF BY DELETING THE REQUIREMENT THAT THE SURPLUS PROPOERTY HAS A REPLACEMENT VALUE OF LESS THAN \$100; BY AMENDING SECION 2-304 BY REMOVING THE REQUIREMENT THAT THE DIRECTOR OF PURCHASING GIVE NOTICE IN THE OFFICIAL NEWSPAPER OF THE TOWN OF ADDISON; PROVIDING A SAVINGS CLAUSE; PROVING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

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

Section 1. Amendment. Chapter 2 Administration of the Code of Ordinances of the Town of Addison is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed (Additions are hereby underlined; Deletions are shown by ~~strikethrough~~):

A. Section 2-303(a) of Article VI Disposal of Unclaimed or Surplus Property currently reads as follows:

“(a) The director of finance shall sell unclaimed property and surplus property by public auction or by accepting sealed bids, to the highest bidders. The property may be auctioned; each piece individually or in assembled lots, whichever the director of finance determines will bring the best prices obtainable, except for motor vehicles, which must be sold individually. If in the opinion of the director of finance the highest bid on a particular item is not sufficient, he/she may refuse the bid and hold the item for sale at another time. The director of finance may dispose of surplus property if the property in question is not considered in good working order and has a replacement value of less than \$100.00. Records will be kept regarding the items that are both auctioned and disposed of on an annual basis. These records will be maintained as stipulated in the town's record retention schedule.”

B. The City Council hereby amends Section 2-303(a) to read as follows:

“(a) The director of finance shall sell unclaimed property and surplus property by public auction or by accepting sealed bids, to the highest bidders. The property may be auctioned; each piece individually or in assembled lots, whichever the director of finance determines will bring the best prices obtainable, except for motor vehicles, which must be sold individually. If in the opinion of the director of finance the highest bid on a particular item is not sufficient, he/she may refuse the bid and hold the item for sale at another time. The director of finance may dispose of surplus property if the property in question is not considered in good working order and has a replacement value of less than \$100.00. Records will be kept regarding the items that are both auctioned and disposed of on an annual basis. These records will be maintained as stipulated in the town’s record retention schedule.”

C. Section 2-304(a) Time and Place of Sale; Notice of Article VI Disposal of Unclaimed or Surplus Property currently reads as follows

(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 town 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 the auction, acceptance or beginning of sale.

D. The City Council hereby amends Section 2-304(a) to read as follows:

(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:

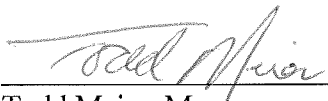
- ~~(1) Advertising in the official newspaper of the town for two consecutive days, the last publication date to be not less than seven days before the date of the auction, acceptance or beginning of sale; and~~
- ~~(2) Ssending by certified mail to the last known address of the owner of unclaimed property, if the name of the owner is known, 14 days before the date of the auction, acceptance or beginning of sale.~~

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the disposal of surplus property and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed such remaining portion of this Ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

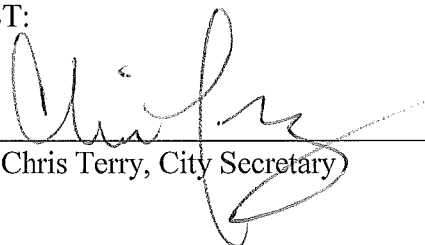
Section 4. Effective date. This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 25th day of June, 2013.



Todd Meier, Mayor

ATTEST:

By: 

Chris Terry, City Secretary

APPROVED AS TO FORM:

By: 

John M. Hill, City Attorney