

CITY OF SEVEN POINTS, TEXAS

ORDINANCE NO. 141

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEVEN POINTS, TEXAS, REGULATING THE SALE OF UNCLAIMED AND SURPLUS PROPERTY; PROVIDING FOR A PROPERTY-FOR-SALE LIST TO BE DELIVERED TO THE CITY SECRETARY; PROVIDING FOR A METHOD OF SALE; PROVIDING FOR THE TIME AND PLACE OF SALE NOTICE; PROVIDING FOR REPORTS OF PROCEEDS TO BE DELIVERED TO THE CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

SECTION 1: AMENDMENT TO CITY CODE

That Chapter 1 of the Code of Ordinances of the City of Seven Points, Texas, is hereby amended by adding a section to be numbered Section 24, which section reads as follows:

SECTION 24: SALE OF UNCLAIMED AND SURPLUS PROPERTY

A. AUTHORITY TO SELL; DEPOSIT OF CASH

- (1) The following property may be sold by the city in the manner provided in this section.
 - (a) abandoned, stolen, or recovered property, except motor vehicles, that remain unclaimed with the city for sixty (60) days, whether or not the owner is known;
 - (b) abandoned, stolen, or recovered motor vehicles that remain unclaimed with the city for thirty (30) days, whether or not the owner is known;
 - (c) 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;

- (d) handguns owned by the city which have been declared surplus or obsolete by the chief of police; and
 - (e) handguns that the chief of police has determined can be sold in the public interest that have been classified as antiques or collectors' items by a firearms expert selected by the chief of police.
- (2) Property listed in subsections (1)(d) and (1)(e) may only be sold to a person holding a federal firearms license.
 - (3) Items of personal property, the sale of which is restricted by criminal law, are not subject to the provisions of this section.
 - (4) Cash money that is abandoned, stolen, or recovered, that remains unclaimed with the police department for sixty (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 sold as other personal property.

B. DELIVERY OF UNCLAIMED PROPERTY LIST TO THE CITY SECRETARY; USE FOR CITY PURPOSES

- (1) The chief of police or the director of the department holding property shall give the city secretary a list of all unclaimed property subject to sale under this section and shall deliver the property list to the city secretary before the date of sale.
- (2) If in reviewing the list of unclaimed property subject to sale, the city secretary determines that certain items of property could be used by the city, she may recommend to the mayor that the items be used for city purposes rather than sold. If the mayor believes that it is in the best interest of the city, he may authorize the city secretary to remove specific items from the list of property subject to sale and to convert the items to use for city purposes.

C. METHOD OF SALE

- (1) The city secretary shall cause the sale of unclaimed property and surplus, obsolete, worn out, or useless property by public auction or by accepting bids, to the highest bidder. The property may be auctioned, each piece individually or in assembled lots, whichever the city secretary determines will bring the best price obtainable, except for motor vehicles which must be sold individually. If in the opinion of the city secretary the highest bid on a particular item is not sufficient, she may refuse the bid and hold the item for sale at another time.
- (2) If the city secretary receives a group of ten (10) or more identical items for sale, she may, at her discretion, sell a minimum of three (3) of the items at public auction. She 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.
- (3) When 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 forty-eight (48) hours after the bids are opened.
- (4) The city secretary may accept cash money or personal or business checks if proper identification is shown, for the sale of items by any method of sale.

D. TIME AND PLACE OF SALE; NOTICE

- (1) After determining the time and place for a public auction, acceptance of sealed bids, or sale of identical items, the city secretary shall give notice of the auction, acceptance, or sale by:
 - (a) advertising in the official newspaper of the city the first publication not more than twenty-one (21) days prior to the date of the auction, acceptance, or beginning of the sale; the last publication date to be not less than seven (7) days before the date of the auction, acceptance, or beginning of sale; and

- (b) sending by certified mail to the last known address of the owner of unclaimed property, if the name of the owner is known, fourteen (14) days before the date of auction, acceptance, or beginning of sale.
- (2) The notice must contain the time and place of auction, acceptance, or sale and a general listing of the property to be sold.

E. RECORDS; REPORTS TO THE CITY COUNCIL; PROCEEDS

- (1) The city secretary shall keep accurate records of all sales and shall submit reports to the city council containing:
 - (a) the time, place, and method of sale; and
 - (b) copies of receipts given for all sales which describe the items sold and show the price paid for the items.
- (2) The city secretary shall keep sales tickets covering each transaction for thirty (30) months, at which time they may be destroyed.
- (3) The city secretary shall deposit all proceeds received for sales to the credit of the appropriate fund.

SECTION 2: EFFECTIVE DATE

That the effective date of this section shall be upon passage by the City Council of the City of Seven Points, Texas.

SECTION 3: SEVERABILITY

That it is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of the Code of Ordinances hereby adopted are severable and, if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall

not affect any of the remaining phrases, clauses, sentences, paragraphs and sections, since the same would have been enacted by the city council without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section. such cases provides.

PASSED AND APPROVED by the City Council of the City of Seven Points, Texas, this 13th day of November, 1984.

APPROVED:

R. L. Simmons
Mayor Pro Tem

ATTEST:

Janette Knight
City Secretary

APPROVED AS TO FORM:

Jimmy Davis
City Attorney