

AN ORDINANCE AMENDING CHAPTER 25, "POLICE," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 25, "Police," of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 12 day of January,
A. D. 19 89.

PASSED ON SECOND AND FINAL READING this 26 day of
January, A. D. 19 89.

ATTEST:

J. Moore
CITY SECRETARY

Dale E. Ferguson
MAYOR

APPROVED:

Harry Cargill
CITY ATTORNEY

Exhibit A

That Chapter 25, *Police*, Article II, *Unclaimed Property*, Sections 25-18 and 25-19 be, and the same are hereby amended to read as follows:

Sec. 25-18. Disposition. Retention. Sale; notice of sale.

In the event that abandoned or lost property in the possession of the City remains preserved, stored and belonging to known persons or unknown persons for a period of one month, then said property shall be disposed of as provided herein. The Chief of Police shall determine what items of abandoned or lost property then available for disposition are useful to, and needed by, the Police Department or other departments of the City. Such property may be disposed of by the Chief of Police by tendering that property to the appropriate city departments, including the Police Department. All property not so disposed of shall be sold at a public sale in accordance with this Section. Such unclaimed property shall be sold by the Director of Finance of the City of Abilene or his designee at a public sale on a date next following the expiration of at least one month after acquisition of said property. Sale dates shall be set by the Director of Finance. Before a public sale of such properties and articles is had, fifteen (15) days' public notice shall be given showing the time and place of the sale, a brief description of the property and articles to be sold, the nature of and names of the articles to be sold. Included in said notice shall also be a brief description of property disposed of by the Chief of Police other than by sale in accordance with this Section. Such public notice shall be posted at a public place in the Police Department of the City, Abilene City Hall, and a copy thereof at the courthouse in the county. A brief notice of such sale shall also be published one time in a newspaper of general circulation in the City fifteen (15) days before the date of sale, and all sales shall be made to the highest responsible bidder. Such published notice shall state the locations at which the detailed list of items is posted for public review. (Code 1965, § 22-13)

Sec. 25-19. Claim by rightful owner; proceeds of sale.

In the event that the rightful owners claim abandoned or lost property in the possession of the City prior to the expiration of the one month holding period, such property shall be returned to them upon their payment to the City Accountant of a sum of money equal to the costs of the preservation and the towing and storage of such property. In the event the rightful owner appears subsequent to the public sale and prior to the expiration of three (3) months after such public sale, then the rightful owner shall be entitled to the proceeds of such sale, less the cost of the preservation, towing and storage of such property. In the event that a rightful owner shall claim such property for the first time after three (3) months have expired after date of public sale, he shall have no claim whatsoever against the City. Likewise, in the event that a rightful owner of property disposed of by the Chief of Police, other than by sale in accordance with Section 25-18, appears within three (3) months of said disposal, then the rightful owner shall be entitled to the return of said property, or the monetary equivalent thereof (less cost of preservation, towing, and storage of said property) at the option of the Chief of Police. In the event that a rightful owner shall claim such property for the first time after three (3) months have expired after disposal of said property (other than by sale) in accordance with Section 25-18, he shall have no claim whatsoever against the City for said property or its monetary equivalent. The proceeds of the sale of the unclaimed property shall be turned over by the Director of Finance to the City Accountant together with his notations of the costs of the storage, towing and preservation of the property. The City Accountant shall place said funds in the General Fund of the City. (Code 1965, § 22-14)

- END -