

ORDINANCE NO 355

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS DECLARING CERTAIN PROPERTY TO BE A NUISANCE: ORDERING THE REMOVAL AND IMPOUNDING OF THE SAME WHEN FOUND IN PUBLIC PLACE: PROVIDING PROCEDURE FOR SALE OF IMPOUNDED VEHICLES: AUTHORIZING THE SEARCH OF PRISONERS AND A RECORD OF PROPERTY TAKEN FROM PRISONERS: DELIVERY OF SUCH PROPERTY TO OWNERS THEREOF: PROVIDING FOR THE SALE OF UNCLAIMED PROPERTY: DIRECTING DELIVERY OF THE PROPERTY TO THE DIRECTOR OF FINANCE FOR SALE: ESTABLISHING A LIEN ON ALL SUCH PROPERTY: PROVIDING FOR REDEMPTION OF PROPERTY BEFORE SALE: PRESCRIBING THE PROCEDURE FOR HOLDING THE SALE AFTER THE NOTICE, DEPOSIT OF THE PROCEEDS OF THE SALE: PROHIBITING CITY OFFICERS AND EMPLOYEES FROM PURCHASING SUCH PROPERTY AT SALES: PROVIDING FOR A PENALTY NOT TO EXCEED \$200.00 FOR EACH OFFENSE: REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE: AND DECLARING AN EMERGENCY.

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

Section 1. Declaring certain property a nuisance and authorizing impounding of same - Any vehicle or other property or obstruction placed, left standing, parked, erected or lying in violation of any ordinance of the City of Mesquite or left unattended for more than forty-eight (48) continuous hours in or on any public street, alley, sidewalk, park or other public place of said City is hereby declared to be a nuisance and any such property when so found shall be removed summarily by any police officer of the City of Mesquite and taken to the Police Pound and shall be kept there until redeemed or sold as herein provided but shall in no event be kept for a period of more than sixty (60) days.

Section 2. Procedure for motor vehicles - When any motor vehicle has not been redeemed within thirty (30) days from the date of its impounding, it shall be the duty of the Chief of Police to submit to the Texas Highway Department and similar agency of the property state when the vehicle is from another state all information in his possession concerning said vehicle and to request that the said department supply to him all information the records of the department contain on said vehicle. Immediately on receipt of such information from said department, the Chief of Police shall notify the owner and lien holders, as shown by the records of said department by registered mail with return receipt requested, that said vehicle has been impounded and of the provisions of this ordinance in regard to redemption and the sale of impounded property.

In the event a motor vehicle has not been redeemed within fifteen (15) days from the receipt of the return receipt or notice of non-delivery of said registered mail, the Chief of Police shall turn the vehicle over to the Director of Finance in accordance with the provisions of Section 8 of this ordinance and who shall prepare a notice of sale of such vehicle in the manner described herein; shall send a copy of said notice to owner and lien holders as shown by the records of the Highway Department by registered mail; and shall post and advertise said notices in the manner required herein. Notice by registered mail to the address shown on the records of the Highway Department shall constitute notice of the pending sale of such vehicle of such owner and lien holders.

When the Chief of Police is unable to ascertain the names of the owner and lien holders and the motor vehicle has not been redeemed within forty-five (45) days from its impounding, no notice of sale other than the posting and procedures as herein prescribed shall be required.

Section 3. Prisoners to be searched; record of valuables taken from person - Whenever person under arrest by any police officer of the City of Mesquite shall be confined in the City Jail and before his confinement in the City Jail he shall be searched by the police officer and any articles or things of value whatsoever shall be taken from the person imprisoned. It shall be the duty of the officer, whether day or nightman, to make an itemized record of each and every article or thing of value, whatever taken from the person of anyone so imprisoned, and it shall be the duty of the officer to sign the record as to each and every person imprisoned from whom any article or thing of value is taken. The person so imprisoned shall also sign the itemized record and upon his release from jail he shall sign a receipt for all articles returned.

Section 4. Delivery of property to person claiming to be the owner - If any person shall claim to be the owner of any article or thing of value taken from the person of any prisoner, the Chief of Police shall turn over and deliver the same to the true owner upon conclusive proof of ownership.

Section 5. Lien on impounded property - The City of Mesquite shall have a lien on all impounded person property, including motor vehicles, for all costs incurred in impounding, storing and advertising such property and such lien shall be prior and superior to all other liens of every kind, save and except liens for ad valorem taxes, and the City may retain possession thereof until all costs are paid and may sell the same as herein provided.

Section 6. Redemption - The owner or any person legally entitled to possession of any such impounded property may redeem the same by paying to the Director of Finance the impounding fee and any other actual expenses or charges incurred by the City in impounding and keeping the impounded property.

Section 7. Sale of unclaimed articles - In the event the true owner does not claim any property or article of value deposited with the Chief of Police as herein provided and the same shall have remained in his custody for as long as four (4) months from the time it was originally delivered into his custody without being claimed or reclaimed by the owner, whether known or not, may be sold and disposed of at public sale as herein provided.

Section 8. Delivery to Director of Finance - The Chief of Police shall give to the Director of Finance of the City of Mesquite or such other person as may be designated by the City Manager a list of all property subject to sale hereunder and shall thereafter deliver said property to the Director of Finance before the date of sale and take a receipt from the said Director of Finance showing in detail all property so delivered.

Section 9. Notice, manner of sale - Thirty (30) days notice of time and place of sale of all such property shall be posted at the Courthouse in Dallas County, Texas and at any regular entrance to the City Hall of Mesquite, Texas, and a copy thereof sent by registered mail to the last known address of the owner in the event the name of the owner is known to the Director of Finance and a copy of the notice of the sale shall be published in the official newspaper published in the City of Mesquite once a week for two (2) consecutive weeks, the date of the first publication to be at least fourteen (14) days prior to the date of the auction sale. The notice of sale shall describe the property, state that the same is unredeemed, state that the same will be sold at public auction or under sealed bid, designate the place of sale and state a time and date of sale which shall not be less than fourteen (14) days from the date of posting such notices, and thereafter such property shall be offered for sale by sealed bid or public auction to the highest bidder for each piece of property or assembled lots whichever in the discretion of the Director of Finance of the City of Mesquite shall offer the best price obtainable for said property.

Section 10. Deposit of proceeds of sale - The proceeds of the sale provided for shall be deposited in the General Fund, and all the proceeds of such sale shall be a part of the funds and revenues of the City of Mesquite.

Section 11. Junk - Impounded property which is offered for sale at public auction under sealed bid in accordance with the procedure herein prescribed and upon which no person bids shall thereafter be sold or otherwise disposed of as junk. Money received for junk property shall be disposed of in the same manner as proceeds from an auction sale or sale under sealed bids as provided for under this ordinance.

Section 12. City Officers and employees not to purchase at sales -

It shall be unlawful for any police officer or any other officer or employee of the City of Mesquite either directly or indirectly to purchase at any such sale or acquire in any manner the ownership at such sale of any article or property impounded or offered for sale under the provisions of this ordinance.

Section 13. Penalty - Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by fine not to exceed Two Hundred Dollars (\$200.00) for each offense upon conviction in the Corporation Court, and in addition any officer or employee of the City of Mesquite violating any of the provisions of this ordinance may be removed, suspended or reduced in grade by the City Manager.


Section 14. Severability - That should any section, paragraph, subdivision, clause, sentence, phrase or provisions of this ordinance be adjudged illegal or held unconstitutional, 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 or unconstitutional.

Section 15. Repealing clause - All ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance are hereby repealed, and all provisions of ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect, provided, however, that the repeal of existing ordinances by this ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinances hereby repealed prior to the taking effect of this ordinance, but prosecution for all such offenses may be instituted and causes presently pending proceeded with in all respects as if such prior ordinances had not been repealed.

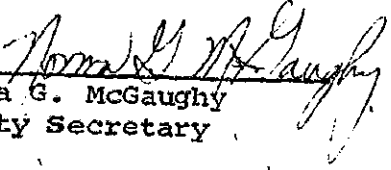
Section 16. Emergency clause - The fact that numerous motor vehicles and other property are being parked and left standing on public streets and other public places and are being abandoned thereon and constitute a nuisance and obstruction to public ways and are impeding and interfering with the free flow of traffic thereon and the fact that the present ordinances covering the handling of the property of prisoners of the City of Mesquite are inadequate and the fact that there are no adequate ordinances regulating the removal, impounding and disposal of such motor vehicles creates an emergency and an urgency for the immediate preservation of the public business, property, health and safety and requires that this ordinance shall take effect immediately from and after its passage as the law and Charter in such cases provides.

Ordinance No. 355

Duly passed by the City Council of the City of Mesquite on the 16th day of January, 1961.


James Fortenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary