

ORDINANCE NO. 714

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 355 BY REPEALING SECTION 2 THEREOF AND SUBSTITUTING THEREFOR SECTION 2A PROVIDING FOR THIRTY DAYS NOTICE TO OWNERS AND LIEN HOLDERS OF ABANDONED VEHICLES THAT SUCH VEHICLES WILL BE SUBJECT TO PUBLIC SALE BY SUBSTITUTING THEREFOR SECTION 2B PROVIDING FOR THE SALE OF SUCH VEHICLES BY THE CITY MANAGER; BY REPEALING SECTION 8 THEREOF AND SUBSTITUTING THEREFOR SECTION 8A PROVIDING FOR DELIVERY TO THE CITY MANAGER A LIST OF ALL PROPERTY SUBJECT TO SALE; BY REPEALING SECTION 9 AND SUBSTITUTING THEREFOR SECTION 9A PROVIDING FOR THE NOTICE AND MANNER OF SALE OF MOTOR VEHICLES; BY PROVIDING A SEVERABILITY CLAUSE; RETAINING IN FORCE AND EFFECT ALL OTHER PROVISIONS OF ORDINANCE NO. 355; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2 of Ordinance No. 355 shall be, and the same is, hereby repealed and that the following Section 2A and 2B are substituted therefor:

"2A. Procedure for Motor Vehicles"

"Immediately upon the impoundment of any motor vehicle, the Chief of Police shall submit to the Texas Highway Department or 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 said department supply to him all information the records of such department contain on said vehicle. Immediately upon the receipt of such information the Chief of Police shall notify the owners and lien holders, via return receipt requested mail, according to Highway Department Records, that such vehicle has been impounded, the date and place of such impoundment, the procedure for redemption of the vehicle, and that such vehicle will be subject to public sale upon the expiration of thirty (30) days from the return of the receipt for the receipted mail."

"2B. Immediately upon the return of the receipt for receipted mail as set forth above, it shall be the duty of the Chief of Police to turn the vehicle over to the City Manager or his designated representative for sale in accordance with the provisions of Sections 8A and 9A hereof.

SECTION 2. That Section 8 of Ordinance No. 355 shall be, and the same is, hereby repealed, and that the following Section 8A is substituted therefor:

"Section 8A. Delivery to City Manager"

"The Chief of Police shall give to the City Manager a list of all property subject to sale hereunder and shall thereafter deliver said property to the City Manager or his designated representative for such purpose, before the date of sale and take a receipt from the said City Manager showing in detail all property delivered."

SECTION 3. That Section 9 of Ordinance No. 355 shall be, and the same is, hereby repealed, and that the following Section 9A is substituted therefor:

"Section 9A. Sale of Motor Vehicles - Notice, Manner of Sale of all Property"

"Any motor vehicle impounded under the provisions of this ordinance shall be subject to sale upon the expiration of thirty (30) days from the date that the return of returned receipt of notice to owner and lien holder is received as provided for in Sections 2A and 2B hereof. Immediately upon the return of said receipts for registered mail and the transfer of the vehicle to the City Manager, it shall be the duty of the City Manager to cause to be posted at two public places within the County of Dallas a notice of public sale of said vehicle. Such notice shall state the date, time, and place of such sale; the authority under which the vehicle is subject to sale; and that the owner and lien holder have been notified of such sale. That such notice of sale shall be published in the official newspaper of the City of Mesquite once a week for two consecutive weeks, the first of such publications to be at least fourteen (14) days prior to the date of the sale. That all other property shall be sold in the manner provided above, except where notice to owners or time of holding or impoundment may be dispensed with or in otherwise differ from the applicability to motor vehicles as set forth herein and in Ordinance No. 355. That for the purpose of this ordinance sale shall mean either a public auction or seal bids."

SECTION 4. That it is the intent of the City Council that the provisions of this ordinance be considered severable, and that in the event any such provision be declared unlawful, such unlawfulness shall not be deemed to effect the validity of those provisions left remaining nor the validity of Ordinance No. 355.

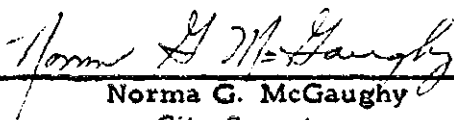
SECTION 5. All provisions of Ordinance No. 355 not specifically repealed herein are hereby declared to be in full force and effect.

SECTION 6. That the existing ordinances of the City of Mesquite are inadequate to enable the City to dispose of impounded motor vehicles constitutes an urgency and emergency in the interest of the public health, safety, and welfare, and necessitates that this ordinance shall take effect immediately from and after its date of passage.

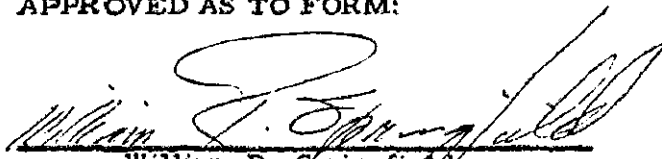
PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 18 day of December, 19 67.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


William R. Springfield
City Attorney

