

**ORDINANCE # 30
DECLARING ABANDONED VEHICLES AND
OTHER PROPERTIES A NUISANCE**

REAFFIRMED BY # 36

ORDINANCE NO. 30

AN ORDINANCE OF THE CITY OF DANBURY, BRAZORIA COUNTY, TEXAS, DECLARING MOTOR VEHICLES AND OTHER PROPERTY ABANDONED ON PUBLIC STREETS A NUISANCE; PROVIDING FOR IMPOUNDMENT, ATTACHING OF LIEN, SALE, REDEMPTION, FEES, DISPOSITION OF SALE PROCEEDS AND UNSOLD PROPERTY, RECORDS; REPEALING CONFLICTING ORDINANCES; AND DECLARING EMERGENCY.

WHEREAS, motor vehicles and other property have been abandoned on the public streets of the City of Danbury, resulting in a definite safety hazard, as well as endangering the public health, safety and welfare of the citizens of said city,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, Brazoria County, Texas, duly assembled, with a quorum present, at its regular monthly meeting, as follows, to-wit:

Section 1. Declare a nuisance; impoundment.

Any vehicle or other property or obstruction, placed, left standing, parked, erected or lying in violation of any ordinance of the city 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 the city is declared to be a nuisance and any such property when so found shall be removed summarily by any police officer and taken to a designated storage place and shall be kept there until redeemed or sold as provided by this chapter.

Section 2. Lien attaches.

The city shall have a lien on such impounded personal property 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 provided by this chapter.

Section 3. Sale - Generally

When any personal property, other than motor vehicles, is not redeemed within sixty (60) days after being impounded, and when any motor vehicle is not redeemed after compliance by the chief of police with the provisions of Section 5 hereof, the chief of police shall sell the same at public auction to satisfy the lien of the city.

Section 4. Same - Procedure for property other than motor vehicles.

Before selling such personal property, other than motor vehicles, the chief of police shall post two (2) notices thereof, one at the courthouse door of Brazoria County, Texas, and one at the Fire Station and shall cause a copy thereof to be published in a newspaper published in the County once a week for two (2) consecutive weeks, the date of the first publication to be at least fourteen (14) days prior to the day of the auction sale. The notice of sale shall describe the impounded property, state that the same is unredeemed, state that the same will be sold at public auction, 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 as herein required.

Section 5. Same - 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 proper state when the vehicle is from another state, all information in his possession concerning such vehicle and to request that such department supply to him all information the records of the department contain on such vehicle. Immediately on receipt of such information from such department the chief of police shall notify the owner and lienholders as shown by the records of such department by registered mail with return receipt requested that such vehicle has been impounded and of the provisions of this chapter in regard to redemption and sale of impounded property.

In the event a motor vehicle has not been redeemed within fifteen (15) days from receipt of the return receipt or notice of nondelivery of said registered mail, the chief of police shall prepare a notice of sale of such vehicle, in the manner described in Section 4 and shall send a copy of said notice to owner and lienholders, as shown by the records of such highway department, by registered mail, and shall post and advertise the notices in the manner required in Section 4. Notice by registered mail to the address shown on the records of said highway department shall constitute notice of the pending sale of such owner and lienholders.

When the chief of police is unable to ascertain the names of the owner and lienholders, and the motor vehicle has not been redeemed within forty-five (45) days from its impounding; no notice of sale other than posting and advertising as prescribed in Section 4 shall be required.

Section 6. Same - By public auction.

When any impounded property, including motor vehicles, is not redeemed by the date and time designated in said notice of sale, the chief of police shall sell such property at public auction and as city auctioneer, shall execute bill of sale of said property to the purchaser thereof; provided, he shall not execute or deliver any but a conditional bill of sale unless and until the title of said buyer has become absolute by an expiration of thirty (30) days in time, exclusive of the day of sale, without being redeemed by the owner of the impounded property.

Section 7. Redemption.

The owner or any person legally entitled to possession of such impounded personal property may redeem the same as follows:

Before Sale. By paying to the chief of police the impounding fee and any other actual expenses incurred by the city in impounding and keeping the impounded property, as determined by the chief of police.

After Sale. By paying to the buyer at the auction sale double the amount paid by him for such personal property and any reasonable expenses incurred by him for

keeping same; provided that such property must be redeemed from the auction buyer within thirty (30) days after the date of the auction sale, excluding the date of sale; otherwise, title to said property shall become absolute in the auction buyer.

Section 8. Fees.

The following fees shall be charged under this chapter and shall be paid into the city treasury:

- (1) For taking and impounding any personal property - three Dollars (\$3.00).
- (2) For preparing advertisement of sale for each article - fifty cents (\$0.50).
- (3) For selling each article - fifty cents (\$0.50).
- (4) For posting notices of sale relating to any one article - fifty cents (\$0.50).

Section 9. Disposition of sale proceeds.

After deducting the impounding fee and all other actual expenses incurred by the city in impounding, storing and selling of the property, as determined by the chief of police, not to exceed a reasonable amount for each impounded article, he shall pay the balance of the proceeds of such sale, if any, to the owner of the property. If the owner fails to call for such proceeds they shall be paid into the city treasury. Within six (6) months after such auction sale, the owner may apply in writing to the chief of police, and upon satisfactory proof of ownership, shall be entitled to receive the amount of the proceeds delivered to the city treasury.

Section 10. Disposition of unsold property.

Impounded property which is offered for sale at public auction in accordance with the procedure prescribed by this chapter, 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 under this chapter.

Section 11. Records to be kept.

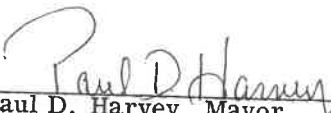
The chief of police shall keep a record book which shall contain a description

of all property impounded, the date and time of such impounding, the date notices of sales were posted and advertised and mailed to owners and lienholders, the return receipts of registered notices, the date of the sale at auction, the amount realized from each article at such sale, the name and address of the owner and lienholders, if known, the name and address of the auction buyer, and any such other information as he may deem necessary.

Section 12.

Whereas, motor vehicles and other abandoned property on the public streets of the City of Danbury, Texas, have resulted in a nuisance as well as a hazard to the health, welfare and safety of the citizens of said City, and has created an emergency necessitating that this Ordinance become effective immediately upon its passage, and it is accordingly Ordained that this Ordinance shall take effect and be in force from its passage.

SIGNED AND APPROVED by the Mayor, and attested by the City Clerk
this the 22ne day of January, 1968.


Paul D. Harvey, Mayor

ATTEST:


Betty Wollam, City Secretary.