

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CORSICANA, TEXAS, REPEALING AND REESTABLISHING IN ITS
ENTIRETY, ARTICLE 10.1800 OF THE CITY CODE OF ORDINANCES.**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Corsicana, Texas, that Article 10.1800, of the City Code of Ordinances be repealed and reestablished and shall hereafter read as follows:

CHAPTER 10 Traffic Control

Article 10.1800: Property Left Unattended in Public Places

- (a) Declaring Certain Property a Nuisance and Authorizing Impounding. Any property or obstruction, other than a motor vehicle, that is placed, left standing, parked, erected or laying in violation of any ordinance of the City of Corsicana 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 declared to be a nuisance, and any such property when so found shall be removed summarily by any Police Officer or designee of the City Manager of the City of Corsicana and taken to the Police pound and shall be kept there until redeemed or sold as herein provided.
- (b) Lien on Impounded Property. The City of Corsicana 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 herein provided.
- (c) Redemption. The owner or any person legally entitled to possession of such impounded personal property may redeem the same as follows:
 - (1) Before Sale. By paying to the City the impounding fee and any other actual expenses incurred by the City in impounding and keeping the impounded property, as determined by the City.
 - (2) After Sale. By paying to the buyer at the auction sale double the amount paid for such personal property and any reasonable expenses incurred for keeping same; provided that the said 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.
- (d) Property to Be Sold. When any personal property, other than vehicles, is not redeemed within sixty (60) days after being impounded, the City shall sell the same at public auction to satisfy the lien of the City.
- (e) Procedure for Property Other than Motor Vehicles. Before selling such personal property, other than motor vehicles, the City shall post two (2) notices thereof, one (1) at the Courthouse door of Navarro County, Texas and one (1) at the Government Center in Corsicana, Texas,

and shall cause a copy thereof to be published in a daily newspaper published in the City of Corsicana 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 impounded property, state that the same is unredeemed, state 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.

- (f) Sale of Property. When an impounded property, excluding motor vehicles, is not redeemed by the sale and time designated in said notice of sale, the City shall sell such property at public auction and shall execute bill of sale of said property to the purchaser thereof.
- (g) Disposal of Proceeds of Sale.
 - (1) After deducting the impounding fee and all other actual expenses incurred by the City in impounding, storing and selling of said property, as determined by the City, not to exceed a reasonable amount for each impounded article, the balance of the proceeds of such sale if any, shall be paid to the owner of the property.

Within three (3) months after such auction sale, the owner may apply in writing to the City, and upon satisfactory proof of ownership, shall be entitled to receive the amount of the proceeds.
 - (2) Proceeds from the sale of property other than motor vehicles shall be deposited in the City Treasury.
- (h) Junk. Impounded property which is offered for sale at public auction 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 under this article.
- (i) Records and Fees. The City shall keep records which shall contain a description of all property impounded, the date and time of such impounding, the date notices of sale were posted and advertised and mailed to owners and lienholders, the return of receipts of registered notices, the date of the sale at auction, the amount realized for 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 deemed necessary.
- (j) Procedure for Motor Vehicles.
 - (1) Certain motor vehicles declared abandoned and nuisances; impoundment by Police.

Any motor vehicle which is inoperable and over five (5) years old and left unattended on public property for more than forty-eight (48) hours or that has remained illegally on public property for a period of more than forty-eight (48) hours or that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours or that is left unattended on the right-of-way of any designated county, state or federal highway or any city street or

alley in excess of forty-eight (48) hours is hereby declared abandoned and to be a nuisance, and the Police Department may take into custody any such vehicle. In such connection, the Police Department may employ personnel, equipment and facilities for the purpose of removing, preserving and storing abandoned motor vehicles.

(2) Notification of owner and lienholders.

(a) If the Police Department takes into custody an abandoned motor vehicle, it shall notify not later than the tenth day after taking the motor vehicle into custody, by certified mail, the last known registered owner of the motor vehicle and all lienholders of record pursuant to the Certificate of Title Act (Article 6687—1, Vernon's Texas Civil Statutes), or Chapter 31, Parks and Wildlife Code, that the vehicle has been taken into custody. The notice shall describe the year, make, model, and vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle not later than the twentieth day after the date of the notice, on payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody, or garagekeeper's charges if notice is under Section 5.05 of Vernon's Annotated Civil Statutes, Article 4477-9a. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lienholders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

(b) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned is sufficient notice under this article. The notice by publication may contain multiple listings of abandoned vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a notice by certified mail.

(3) Payment of fees, charges, etc., upon redemption of impounded motor vehicle.

The owner or any person legally entitled to possession of any motor vehicle impounded under the provisions of this division may redeem the same by paying to the City, or a duly authorized representative or appointed agent, the impounding fee and any other actual expenses or charges incurred by the City in towing, impounding, and storing the impounded property.

(4) Auction of unclaimed abandoned motor vehicles.

(a) If an abandoned motor vehicle has not been reclaimed as provided in this division, the Police Department shall have the right to sell such vehicle at public

auction. Thirty (30) days' notice of the time and place of sale of the motor vehicle shall be posted at the Government Center, and a copy thereof sent by certified mail to the last known address of the owner. In the case of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of the auction. If the name of the owner is not known to the City, a copy of the notice of the sale shall be published in the official newspaper published in the City 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.

- (b) The notice of sale shall describe the motor vehicle, state the same is unredeemed, state that the same will be sold at public auction, designate the place of sale and the time and date of sale, which shall not be less than fourteen (14) days from the date of posting such notice. Thereafter, such property shall be offered for sale by public auction to the highest bidder. The City has the discretion to assemble lots of motor vehicles and offer such lots for sale to the highest bidder at public auction.
 - (c) The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the City and shall be entitled to register the purchased vehicle and shall receive a certificate of title.
- (5) Proceeds of sale.
- (a) From the proceeds of the sale of any motor vehicle, the Police Department shall reimburse the City the expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the abandoned vehicle in custody, and all notice and publication costs incurred under this division.
 - (b) Any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in a special fund which shall remain available for payment of auction, towing, preserving, storage, and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet these expense and costs.
- (6) City officers and employees not to purchase at sales.

It shall be against City policy for any Police Officer or any other officer or employee of the City, either directly or indirectly, to purchase at any sale or acquire in any manner the ownership at such sale of any vehicle impounded or offered for sale under the provisions of this division, and should any officer or employee do so, it shall be the duty of the City Manager to dismiss or cause the dismissal of such officer or employee from the service of the City.

PASSED and APPROVED this 25th day of **November, 2019**.

Don Denbow, Mayor

ATTEST:

Cathy McMullan, Acting City Secretary

APPROVED AS TO FORM:

Kerri Anderson Donica, City Attorney

