

AN ORDINANCE PROVIDING FOR REMOVAL AND IMPOUNDING OF NUISANCE PERSONAL PROPERTY FOUND IN PUBLIC PLACES, PROVIDING FOR LIEN, PROCEDURE AND NOTICE OF SALES, PRESCRIBING FOR SALE AND DISPOSAL OF PROCEEDS THEREOF: EXCEPTING LIVESTOCK; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING SEVERABILITY CLAUSE, DECLARING AN EMERGENCY.

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

SECTION 1. Any vehicle or other property or obstruction, placed left standing, parked, erected or lying in violation of any ordinance of the City of Cooper or left unattended for more than 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 Police Officer or any other official designated by Mayor and taken to City pound and kept there until redeemed or sold as herein provided.

SECTION 2. The City of Cooper shall have a lien on such impounded personal property for all costs incurred in impounding, storing, and selling such property and such lien shall be a prior and superior to all liens (except ad valorem tax liens), and city may retain possession of same until all costs and expenses are paid or may sell to satisfy same as herein provided.

SECTION 3. The owner or any person legally entitled to possession of such impounded personal property may redeem the same as follows:

(A) Before Sale, by paying to city the impounding fee and any other actual expenses incurred by City, as determined by Mayor;

(B) 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 in keeping same; provided that if property is not redeemed from the auction buyer within 30 days after date of sale, (excluding the date sale) the title shall become absolute in the auction buyer.

SECTION 4. When any personal property, is not redeemed within 60 days after being impounded, and this includes any motor vehicles, the Mayor or any City official designated by Mayor shall sell the same to satisfy the lien of the City.

SECTION 5. Before selling such personal property, (including motor vehicles) the Mayor or official designated by Mayor shall post two notices thereof, one at the Courthouse door of Delta County, Texas, and one at the City Hall in Cooper, Texas; and in addition there to shall mail a notice to owner or lien holder of such personal property if this information is known to the City. The notice of sale shall describe the impounded property state that the same is unredemmed shall that the same will be sold at public auction, designated the place of sale, and state a time and date of sale which shall not be less than 14 days from the date of posting such notices as herein required.

SECTION 6. When any impounded property, including motor vehicles is not redeemed by the date and time designated in said notice of sale, the Mayor or any official designated by him shall sell such property at public auction.

and shall execute bill of sale of said property to the purchaser thereof, provided, it shall be a conditional bill of sale until the title of buyer becomes absolute by an expiration of 30 days (exclusive of date of sale) from date of sale, without being redeemed by the owner of said impounded property.

SECTION 7. 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 said Mayor, 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 months after such sale, the owner alone may apply in writing to such city, and upon satisfactory proof of ownership, shall be entitled to receive the amount of the proceeds delivered to the City Treasury.

SECTION 8. 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 dispose of as junk, and proceeds shall be disposed of in the same manner as provided herein.

SECTION 9. The City shall keep a record book in which will be entered such information as it deems necessary in regard to each transaction and sale.

(A) The following fees shall be charges under this ordinance and shall be paid into City Treasury:

- (1) \$3.00 for taking and impounding any personal property;
- (2) \$.50¢ for preparing notice of sale.
- (3) \$.50¢ for selling each article;
- (4) \$.50¢ for posting notice of sale;

SECTION 10. Nothing herein shall apply to, alter or affect the provisions of any existing ordinances regulating the impounding and sale of livestock, fowls and dogs. All ordinances in conflict herewith are hereby repealed.

SECTION 11. If any part or parts of this ordinance should be for any reason be held invalid, such decision shall not affect the validity of the same remaining portions of this ordinance.

SECTION 12. The fact that there is no adequate ordinance regulating the removal, impounding and disposal of such nuisance personal property, and that such property is now being left standing in public places creates an emergency and imperative public necessity and requires that this ordinance take effect immediately from and after its passage, and it is ordered that this ordinance is put upon its final reading and passed by a vote of 3 yess and 0 nos.

SIGNED AND APPROVED BY THE MAYOR, ATTESTED BY THE CITY SECRETARY, THIS 19th DAY OF Feb. 1959.

ATTEST:
CITY SECRETARY

MAYOR OF CITY OF COOPER