

City of Houston, Texas, Ordinance No. 2014- 760

**AN ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO DISPOSITION OF ABANDONED, UNCLAIMED, AND STOLEN PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the disposition of abandoned, unclaimed, and stolen property in the possession of the police department is governed by state and federal law; and

**WHEREAS**, the City's current provisions in Chapter 34 of the Code of Ordinances on disposition of abandoned and unclaimed property in the possession of the police department are outdated, inconsistent with state law, and unduly hinder the efficient disposition of the property; and

**WHEREAS**, the Public Safety Council Committee has reviewed the proposed amendments to conform the police department's practices with state law; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**Section 2.** That Article VII of Chapter 34 of the Code of Ordinances, Houston, Texas, is hereby amended in its entirety to read as follows:

**"ARTICLE VII. DISPOSAL OF ABANDONED,  
UNCLAIMED, OR OTHER PROPERTY**

**Sec. 34-171. Authority, written procedures.**

(a) The chief of police shall have the authority to dispose of various classes of property in the possession of the police department, in accordance with applicable state and federal law.

(b) The chief of police shall promulgate written procedures to ensure that disposition of all classes of property held by the police department,

including abandoned or unclaimed property, liquor, gambling devices, prohibited weapons, contraband, impounded vehicles not listed as stolen, perishable property that deteriorates rapidly in value and utility (including food or other organic materials), and stolen property is in accordance with state and federal law.

**Sec. 34-172. Final disposition of abandoned or unclaimed property.**

(a) The police department shall dispose of all abandoned or unclaimed personal property in a manner consistent with Article 18.17 of the Code of Criminal Procedure.

(b) The chief of police is authorized to act as the person designated by a municipality under Article 18.17 of the Code of Criminal Procedure to take the actions authorized under that article with respect to the disposition of abandoned and unclaimed property in the possession of the police department.

**Sec. 34-173. Disposition of stolen property.**

The municipal courts shall have authority to hold hearings for the disposition of stolen property in a manner consistent with Chapter 47 of the Code of Criminal Procedure.”

**Section 3.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 4.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor;

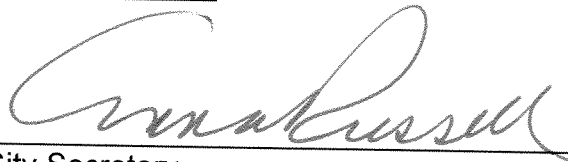
therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.


**PASSED AND ADOPTED this 13th day of August, 2014.**

**APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.**

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is AUG 18 2014.

  
\_\_\_\_\_  
City Secretary

Prepared by Legal Dept.   
TBC:asr/aw 01/23/2013 Senior Assistant City Attorney  
Requested by C. A. McClelland, Chief of Police  
L.D. File No. 0621200496001

AYE	NO	
✓		<b>MAYOR PARKER</b>
....	....	<b>COUNCIL MEMBERS</b>
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
	ABSENT-ON PERSONAL BUSINESS	MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
	ABSENT-ON PERSONAL BUSINESS	ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	