

CHAPTER 43: JUNKED VEHICLES

§ 43.01 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTIQUE VEHICLE. A passenger car or truck that is at least 35 years old.

JUNKED VEHICLE. A vehicle that is self propelled and is:

- (1) Wrecked, dismantled or partially dismantled, or discarded; or
- (2) Inoperable and has remained inoperable for more than:
 - (i) 48 consecutive hours, if the vehicle is on public property; or
 - (ii) 14 consecutive days, if the vehicle is on private property.

MOTOR VEHICLE COLLECTOR. A person who:

- (1) Owns one or more antique or special interest vehicles; and
- (3) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

SPECIAL INTEREST VEHICLE. A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(Tex Transportation Code, § 683.077)

§ 43.02 JUNKED VEHICLES DECLARED A PUBLIC NUISANCE.

Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the city, by producing urban blight, and such vehicles are therefore declared to be a public nuisance.

§ 43.03 PROCEDURE FOR ABATEMENT AND REMOVAL.

Junked vehicles declared to be public nuisances may be abated, removed, and disposed of by following the procedures stated herein.

(A) Notice.

(1) Nuisance on private property. For a nuisance on private property, not less than ten days notice stating the nature of the public nuisance on private property shall be given. Notice shall state that it must be removed and abated within ten days and that a request for a hearing must be made before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return requested, to the last known registered owner of the junked motor vehicle, to any lien holder of record, and to the owner or occupant of the private premises on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return.

(2) Nuisance on public property. For a nuisance on public property, not less than ten days notice stating the nature of the public nuisance on public property or on a public right-of-way shall be given. Notice shall state that the nuisance must be removed and abated within ten days and that a request for a hearing must be made before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return

requested, to the last known registered owner of the junked motor vehicle, to any lien holder of record, and to the owner or occupant of the public premises, or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return.

(B) Public hearing required for public nuisance. A public hearing is required before the removal of the vehicle or vehicle part as a public nuisance. The hearing shall be held before the Municipal Court Judge, if a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within ten days after service of notice to abate the nuisance. The Judge shall make a determination based upon a preponderance of the evidence. At the hearing it is presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. An order requiring the removal of a vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.

(C) Notice required to state department of highways. Notice of removal shall be given to the state Department of Highways and Public Transportation not later than the fifth day after the date of removal. The notice must identify the vehicle or vehicle part. The department shall immediately cancel the certificate of title to the vehicle pursuant to the Certificate of Title Act, TEX. REV. CIV. STAT., Art. 6687-1.

Penalty, see §40.99

Statutory reference: For further provisions concerning the enforcement of this chapter, see TEX.

TRANSPORTATION CODE, §§ 683.074 through 683.076

and state a time and date of sale which shall not be less than 14 days from the date of the first posting of such

§ 43.04 EXCEPTIONS.

This chapter does not apply to a vehicle or vehicle part that is:

(A) Completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(B) Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle and the outdoor storage area are:

(1) Maintained in an orderly manner;

(2) Not a health hazard; and

(3) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(TEX. TRANSPORTATION CODE, § 683.077)

§ 43.07 ADMINISTRATION.

This chapter shall be administered by regularly salaried, full-time employees of the city, except that removal of a vehicle or parts thereof may be by any duly authorized person.

§ 43.08 SCRAPPING.

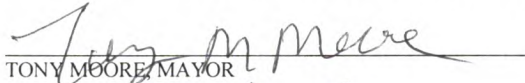
The city may enter into a contract with a commercial enterprise, (sometimes herein called "impounder"), capable of picking up and disposing of junked vehicles, and authorizing said enterprise to pick up and

dispose of vehicles or parts thereof, found to be public nuisances.

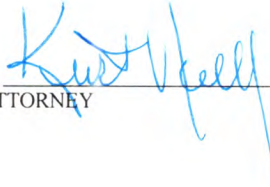
§ 43.09 COSTS.

The net costs of disposing of such vehicle shall be charged against the party given notice by the Police Chief or a commercial enterprise authorized by the Police Chief to act on behalf of the City as above stated, or such other person as may be responsible for such vehicle and such person shall be indebted to the impounder for the net costs. By net costs is meant the cost of pick up, storage, and handling of the vehicles by the commercial operator, less the value of the vehicle as scrap. Should these be a positive value, after deducting such costs, it shall be refunded to the person given notice, or such person as may be found to be the owner. Nothing herein shall prevent the imposition of fine or penalty as herein provided.

PASSED AND ADOPTED THIS APRIL 9TH, 2012


TONY MOORE, MAYOR

ATTEST: 
ANGELA JONES, CITY SECRETARY

ATTEST AS TO FORM: 
KURT NOELL, CITY ATTORNEY