

Junked Vehicle Procedure:

Chapter 14, Article II, Section 14-21 thru Section 14-29 of the Code of Ordinance.
Sec. 14-21. Short title.

This article may be cited as the "Junked Vehicle Ordinance."
(Ord. No. 98-263, § 1, 10-5-98)

Sec. 14-22. Definitions.

As used in this article:

- *Enforcement officer* means any code enforcement officer of the code enforcement division of the department of community development. Such officer's authority includes, but is not limited to, the right of entry upon premises to inspect for junked vehicles, authority to inspect premises and personally to determine if such contains or junked vehicle, the authority to sign criminal complaints for violations of this article and to issue notices under the abatement procedures of this article, and otherwise enforce its provisions.
- *Junked vehicle* means a vehicle that is self-propelled and
 1. does not have lawfully attached to it
 - a. An unexpired license plate; or
 - b. A valid motor vehicle inspection certificate; and
 2. is:
 - a. Wrecked, dismantled or partially dismantled, or discarded; or
 - b. Inoperable and has remained inoperable for more than
 1. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
 2. Thirty (30) consecutive days, if the vehicle is on private property.
 3. Antique vehicle means a passenger car or truck that is at least thirty-five (35) years old.
 4. Special-interest vehicle means a motor vehicle of any age that [has] not been changed from its original manufacturer's specifications, and because of its historic interest, is being preserved by a hobbyist.
 5. Motor vehicle collector means a person who owns one (1) or more antique or special-interest vehicles and acquires, collects or disposes of an antique or special-interest vehicle or part of an antique or special interest-vehicle for historic interest.

(Ord. No. 98-263, § 1, 10-5-98; Ord. No. 2005-O-115, § 1, 5-16-05)
Sec. 14-23. Scope of article.

This article deals only with junked vehicles under V.T.C.A., Transportation code, chapter 683, subchapter E, and does not pertain to abandoned motor vehicles under V.T.C.A., Transportation

Code, chapter 683, subchapter B.

(Ord. No. 98-263, § 1, 10-5-98; Ord. No. 2005-O-115, § 1, 5-16-05)

Sec. 14-24. Junked vehicles declared a public nuisance.

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

1. Is detrimental to the safety and welfare of the public;
2. Tends to reduce the value of private property;
3. Invites vandalism;
4. Creates a fire hazard;
5. Is an attractive nuisance creating a hazard to the health and safety of minors;
6. Produces urban blight adverse to the maintenance and continuing development of the city; and
7. Is a public nuisance.

(Ord. No. 98-263, § 1, 10-5-98; Ord. No. 2005-O-115, § 1, 5-16-05)

Sec. 14-25. Penalty for maintaining such public nuisance.

- (a) A person commits an offense if that person maintains a public nuisance described in section 14-24.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00).
- (c) The municipal court shall order abatement and removal of the nuisance on conviction.
(Ord. No. 2005-O-115, § 1, 5-16-05)

Sec. 14-26. Procedures for abating nuisance: notice.

(a) The procedures for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance shall be administered by the code enforcement officers of the code enforcement division of the department of community development.

(b) The said code enforcement officers may enter private property to examine the public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

(c) The enforcement officials shall follow the following procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle, which is a public nuisance, from private property, public property, or public rights-of-way:

1. Whenever an enforcement officer determines that a junked vehicle is being maintained in violation of this article, he shall post in a conspicuous place upon the subject junked vehicle or part of a junked vehicle a notice of violation being a green sticker notice of the nature of the nuisance stating that the vehicle or part of a vehicle has been determined to be a public nuisance and that it must be abated and removed within ten (10) days after the posting of such notice of the nature of

the nuisance and that a request for a hearing must be made before the ten-day period expires.

2. In addition to the green sticker notice in [subsection] (1), above, the notice must be personally delivered or sent by certified mail with a five-day return requested to:
 - a. The last known registered owner of the nuisance;
 - b. Each lienholder of record of the nuisance; and
 - c. The owner or occupant of the property on which the nuisance is located or if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
3. The notice must state that:
 - a. The nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed; and
 - b. Any request for a hearing must be made before the ten-day period expires.
4. If the notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh day after the date of the return.
5. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the junked vehicle, or if the owner is located, personally delivered.

(Ord. No. 98-263, § 1, 10-5-98; Ord. No. 2005-O-115, § 1, 5-16-05)

Sec. 14-27. Procedures for abating nuisance; hearing.

- (1) If a timely request for hearing is made by a person for whom notice is required under section 14-26, the hearing shall be held not earlier than the eleventh day after the date of service of the notice.
- (2) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (3) The hearing shall be conducted by a hearing officer called the article IV hearing officer, who shall be appointed by the mayor and who shall serve for a term of not more than two (2) years.
- (4) The hearing officer may hear evidence relating to the junked vehicle or part of a vehicle in question from any of the persons entitled to notice under this article, from an enforcement officer of the care of premises office and from other interested persons. The hearing officer shall make a determination whether there is a public nuisance as defined in this article, and if he or she so finds, shall issue an order to abate the public nuisance. Any order of the hearing officer requiring the removal of a junked vehicle or part thereof shall include a description of the vehicle (year, make and model) and the correct identification number and license number of the vehicle if such information is available. The order of removal shall specify that the vehicle shall be removed not less than ten (10) days from the date of the hearing or, if the notice is returned undelivered, not less than ten (10) days after the date of the return.
- (5) The hearing officer shall make a written determination, and if his determination includes an order for removal, the order must include, if it is available, the vehicle's description, vehicle identification number and license plate number, and the hearing

officer shall cause such determination to be mailed in like manner and to each person entitled to notice as provided in section 14-26, and the latest date by which the nuisance shall be removed.

- (6) Upon the determination and order of the article IV hearing officer or of the municipal court judge, if the matter is prosecuted in municipal court under section 14-25, above, if the nuisance is not abated and removed within the period provided for herein, the removal and disposal shall be accomplished by the director of the department of community development, and his designees.

(Ord. No. 2005-O-115, § 1, 5-16-05)

Sec. 14-28. Junked vehicle disposal.

- (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by the city or other governmental agency, or to a commercial scrap yard, demolisher, or other suitable site as necessary to accomplish the purposes of this article, provided that such disposal shall be for scrap or salvage only.
- (b) The procedures and provisions of sections 14-26 and 14-27 are cumulative of the remedies otherwise available for the violation of section 14-25, and nothing herein is intended to prohibit the prosecution of any such violation as a misdemeanor offense under section 14-25.

(Ord. No. 2005-O-115, § 1, 5-16-05)

Sec. 14-29. Exceptions.

- (a) The provisions of this article shall not apply to a vehicle or vehicle part that:
 - (1) Is completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property; or
 - (2) Is 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 or part and the outdoor storage area, if any, are (i) maintained in an orderly manner; (ii) not a health hazard; and (iii) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.
- (b) An exception coming within this section must be raised as an affirmative defense by the person or entity asserting any such.

(Ord. No. 98-263, § 1, 10-5-98; Ord. No. 2005-O-115, § 1, 5-16-05)