

ORDINANCE NO. 448

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOWE, TEXAS TO AMEND CHAPTER 9, TRAFFIC CODE, SECTION 7 ABANDONMENT OF VEHICLES ADDING A SUBSECTION, ENTITLED JUNKED VEHICLES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOWE:

D. JUNKED VEHICLES:

Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antique auto shall mean a passenger car or truck that was manufactured in 1925 or before or a passenger car or truck that is at least thirty-five (35) years old.

Collector shall mean the owner of one (1) or more antique or special interest vehicles who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

Demolisher shall mean a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Junked vehicle shall mean a motor vehicle as defined in Vernon's Ann. Civ. St. art. 6701d-11:

(1) That is inoperative; and

(2) That does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, that is wrecked, dismantled, partially dismantled, or discarded, or that remains inoperable for a continuous period of more than forty-five (45) days.

Special interest vehicle shall mean a motor vehicle of any age that has not been altered or modified from original manufacture's specifications and, because of its historic interest, is being preserved by hobbyists.

Exception

This article does not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or

other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed, operable , or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

Administration

This article shall be administered by regularly salaried, full-time employees of the city, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

Right of Entry

Any person authorized by the city to administer the provisions of this article may enter upon private property to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal court of any city enacting an ordinance as provided herein, shall have authority to issue all orders necessary to enforce this article.

Determination of nuisance.

(a) A junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city and is a public nuisance.

(b) A person commits an offense if that person maintains a public nuisance as determined under this section.

(c) On conviction of a violation of this section the court shall order removal and abatement of nuisance.

Notice to abate

(a) For a public nuisance under this article on private property, the city shall give not less than ten(10) days'

notice stating the nature of the public nuisance on private property, that it must be removed and abated within ten (10) 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, any lienholder of record, and the owner or occupant of the private premises on which the public nuisance exists. If any notice is returned undelivered by the United States Postal Service, official action to abate the public nuisance shall be continued to a date not less than ten (10) days after the date of the return.

(b) For a public nuisance under this article on public property, the city shall give not less than ten (10) days' notice, stating the nature of the public nuisance on public property or on a public right-of-way, that the public nuisance must be removed and abated within ten (10) days, 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, any lienholder of record, and 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 notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.

Hearing

(a) A public hearing before the removal of the vehicle or vehicle part as a public nuisance shall be held before the municipal court if a hearing is requested by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within ten (10) days after service of notice to abate the nuisance. 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.

(b) After such hearing the city may remove the vehicle or vehicle part.

Notice to state department of transportation; cancellation of title.

Notice shall be given by the city to the state department of highways and public transportation within five (5) days after the date of removal identifying the vehicle or part

thereof pursuant to this article. The department shall forthwith cancel the certificate of title to such vehicle pursuant to the Certificate of Title Act (Vernon's Ann. Civ. St. art 6687-1).

Disposal as scrap, salvage.

Junked vehicle or parts thereof may be disposed of by removal to a scrap yard, demolisher, or any suitable site operated by the city for processing as scrap or salvage, which process shall be consistent with this article.

Restoration, repair prohibited.

No person shall reconstruct or make operable any vehicle after it has been removed pursuant to the provisions of this article.

PASSED AND APPROVED this *18th* day of *March* 1993.

FINAL READING AND ADOPTION this *15th* day of *april* 1993.

ATTEST:

Marilee Vaughan
City Secretary

Ray Medsco
Mayor