

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2008-B

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 94, BY AMENDING SECTION 94.01 "DEFINITIONS" REGARDING THE DEFINITION OF A JUNKED VEHICLE; BY AMENDING SECTION 94.02 REGARDING JUNKED VEHICLES BEING DECLARED A PUBLIC NUISANCE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 94 of the Code of Cockrell Hill, Texas ("Code"), sets forth the abandoned vehicles regulations of the City, including regulations relating to public nuisances such as junked vehicles; and

WHEREAS, the City has adopted regulations consistent with state law regarding junked vehicles within the City; and

WHEREAS, the definition of junked vehicles has been amended under Section 683.071 of the Texas Transportation Code; and

WHEREAS, the City Council of the City of Cockrell Hill desires to prevent junked vehicles in all parts of the City; and

WHEREAS, junked vehicles are being maintained in public view within the City in business and commercial areas;

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 94 of the Code by amending the definition of junked vehicle to conform to the new state law definition and declaring all junked vehicles in all parts of the City a public nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS:

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Cockrell Hill, Chapter 94, Section 94.01, is hereby amended to read as follows:

“§ 94.01 DEFINITIONS.

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ANTIQUÉ AUTO. Passenger cars or trucks that were manufactured in 1925 or before or which become 35 years or more old.

COLLECTOR. The owner of one 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 his or her own use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest

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

- (1) Does not have lawfully attached to it:
 - (a) An unexpired license plate; and
 - (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:
 - (i) Seventy-two consecutive hours, if the vehicle is on public property; or
 - (ii) Thirty consecutive days, if the vehicle is on private property.

* * *”

Section 3. The Code of Cockrell Hill, Chapter 94, Section 94.02, is hereby amended to read as follows:

“§ 94.02 JUNKED VEHICLES DECLARED A PUBLIC NUISANCE


- (1) A junked vehicle that is visible from a public place or private right-of-way is detrimental to the safety and welfare of the public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors and produces urban blight adverse to the maintenance and continuing development of the municipality is a public nuisance.
- (2) A vehicle that falls under the definition of junked vehicle and is located and/or parked at a commercial or business establishment which is visible from a public place or public right-of-way is detrimental to the safety and welfare of the public, tends to

reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors and produces urban blight adverse to the maintenance and continuing development of the municipality within the City is hereby declared to be a public nuisance. Evidence that the vehicle located and/or parked at a commercial or business establishment will be or is in the process of being repaired is not a defense to this Section.”

Section 4. If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 15th day of January, 2008.



Luis D. Carrera, Mayor

ATTEST:



Bret Haney, Executive Assistant

APPROVED AS TO FORM:

Robert F. Brown, City Attorney