

## CHAPTER 94: ABANDONED VEHICLES

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### § 94.01 DEFINITIONS.

**ANTIQUE AUTO.** Passenger cars or trucks that were manufactured in 1925 or before or which become 35 or more years 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; or
  - (b) A valid motor vehicle inspection certificate;
- (2) Is wrecked, dismantled or partially dismantled or discarded; or
- (3) Is inoperable and has remained inoperable for more than:
  - (a) Seventy-two consecutive hours, if the vehicle is on public property; or

(b) Thirty consecutive days, if the vehicle is on private property.  
(Tex. Transp. Code, § 683.071)

***MOTOR VEHICLE.*** Any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

***SPECIAL INTEREST VEHICLE.*** A motor vehicle of any age which has not been altered or modified from the original manufacturer's specifications and, because of its recognized historic interest, is being preserved by hobbyists.  
(`97 Code, § 9-86) (Am. Ord. 2000-H, passed 6-13-00)

#### **§ 94.02 JUNKED VEHICLES DECLARED A PUBLIC NUISANCE.**

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 municipalities is a public nuisance.  
(`97 Code, § 9-87) (Am. Ord. 2000-H, passed 6-13-00)

#### **§ 94.03 MAINTAINING PUBLIC NUISANCE.**

It shall be unlawful and a violation of this chapter to maintain the public nuisance if the nuisance is not removed and abated and a hearing is not requested within the ten-day period provided in § 94.04. It shall further be unlawful for any person to maintain a public nuisance if the nuisance is not removed and abated in compliance with the order of the City Council following the public hearing. In either such event, the City Inspector or Code Enforcement Officer may file an appropriate complaint in the Municipal Court. If, upon such complaint, the person is found guilty of maintaining a public nuisance by the Municipal Court, the person may be punished by fine as set forth in § 10.99, and the Municipal Court may order removal and abatement of the nuisance.  
(`97 Code, § 9-88) (Am. Ord. 2000-H, passed 6-13-00) Penalty, see § 10.99

#### **§ 94.04 ABATEMENT OF NUISANCE.**

Upon complaint, or upon his or her own initiative, the City Inspector may initiate appropriate action to remove and abate a public nuisance in the nature of a junked vehicle in the following manner:

(A) The City Inspector, a position held by a regularly salaried, full-time employee of the city or a public safety or police officer, shall be charged with the administration of the procedures set forth in this chapter.

(B) When it is determined by the City Inspector or a public safety or police officer that there exists on private property or public property within the city a junked vehicle which, in his or her opinion, constitutes a public nuisance within the meaning of § 94.02, he or she shall prepare a notice stating the nature of the public nuisance on private property or public property that it must be removed and abated within ten days and that a request for a hearing must be made before the 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 lien holder 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 Post Office, the official action to abate the nuisance shall be continued to a date earlier than the eleventh day after the date of the return.

(C) When it is determined by the City Inspector or a public safety or police officer that there exists on public property or on a public right-of-way within the city a junked vehicle which, in his or her opinion, constitutes a public nuisance within the meaning of § 94.02, there must be issued a notice stating the nature of the public nuisance on public property or on a public right-of-way that the nuisance must be removed and abated within ten days and that a request for a hearing must be made before the 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 vehicle, any lien holder of record and the owner or occupant of 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 Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day after the date of the return.

(D) When such a hearing is requested by the owner, lien holder or occupant of public or private premises adjacent to the public right-of-way on which the vehicle is located, within ten days after the service of the notice to abate the nuisance, the City Inspector or a public safety or police officer shall set the matter for public hearing before the City Council at its next regular session which will provide at least ten days notice between the date of the request and the public hearing. After a full and fair public hearing, the City Council shall make a finding as to whether or not the vehicle or part thereof constitutes a public nuisance and, if so found, may by resolution or order require the removal of the vehicle or vehicle part, and the resolution or order 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.

(E) It shall be unlawful to reconstruct or to make operable any vehicle after it has been removed under force of an order of resolution finding the same to be a public nuisance, and the City Inspector or a public safety or police officer shall give notice to the Texas Department of Highways and Public Transportation not later than the fifth day after the date of the removal, identifying the vehicle or part

thereof and requesting that the Department forthwith cancel the certificate of title to the vehicle pursuant to the Certificate of Title Act (Tex. Transp. Code, Chapter 501, as amended).  
(`97 Code, § 9-89) (Am. Ord. 2000-H, passed 6-13-00) Penalty, see § 10.99

#### **§ 94.05 EXCEPTIONS.**

This chapter and the procedures set forth in this chapter shall not apply to a vehicle or part thereof which 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 part thereof which is stored or parked in a lawful manner on developed Commercial District private property in connection with the business of a licensed vehicle dealer or a junkyard or unlicensed, operable or inoperable, antique and special interest vehicles stored by a collector on his or her property, provided that the vehicles are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary view by means of a fence, trees or shrubbery.  
(`97 Code, § 9-90) (Am. Ord. 2000-H, passed 6-13-00)

#### **§ 94.06 AUTHORITY TO ENFORCE.**

Pursuant to Tex. Transp. Code, § 683.011, as amended, the City Inspector or Code Enforcement Officer as the officer of the city authorized to administer the provisions of the procedures of this chapter, may enter upon private property for the purposes specified in the procedures set forth herein to examine vehicles or parts thereof, to obtain information as to the identity of the vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the procedures set forth in this chapter. The Municipal Court shall have the authority to issue all orders necessary to enforce the procedures set forth in this chapter.  
(`97 Code, § 9-91) (Am. Ord. 2000-H, passed 6-13-00)

#### **§ 94.07 EFFECT OF OTHER REGULATIONS.**

Nothing in this chapter shall affect statutes and ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction or safety hazard to traffic.  
(`97 Code, § 9-92) (Am. Ord. 2000-H, passed 6-13-00)