

Chapter 10 – Buildings and Neighborhoods

ARTICLE XIII. JUNKED VEHICLE ABATEMENT PROCEDURES

SEC. 10-531. DEFINITIONS.

As used in this article the words and terms defined in this section shall have the meanings ascribed, unless the context clearly indicates another meaning:

Antique vehicle means a passenger car or truck that is at least 25 years old.

Junked vehicle means a vehicle as defined in item (9) of § 621.001 of the Texas Transportation Code, 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:

[1] 72 consecutive hours, if the vehicle is on public property; or

[2] 30 consecutive days, if the vehicle is on private property;

provided that the term "junked vehicle" shall not be construed to include a vehicle or vehicle part:

(1) That 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) 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 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:

- a. Maintained in an orderly manner;
- b. Not a health hazard; and
- c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Motor vehicle collector means a person who:

(1) Owns one or more antique or special interest vehicles; and

(2) Acquires, collects, or disposes 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 means 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.

(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 98-1251, § 1, 12-22-98; Ord. No. 02-1057, § 1, 11-13-02; Ord. No. 07-1001, § 4, 9-5-07)

SEC. 10-532. PURPOSE.

(a) A junked vehicle or a part of a junked vehicle that is located in a place where it is visible from a public place or right-of-way is subject to removal under this article.

(b) Other than subsection (b) of section 10-534 of this Code, the provisions of this article are not penal. However, a proceeding under this article shall not be construed to preclude prosecution under section 683.073 of the Texas Transportation Code, or vice versa. This article does not affect the authority of a peace officer under law to authorize the immediate removal, as an obstruction to traffic, of a vehicle left on public property.

(c) All procedures under this article must be administered by regularly salaried, fulltime employees of the city, provided that contractors may be utilized to perform the work involved in actually removing a junked vehicle and the junked vehicle may be disposed of at a privately operated disposal site.

(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 98-1251, § 2, 12-22-98)

SEC. 10-533. INVESTIGATION; NOTICE.

(a) Upon receipt of information that a vehicle or a part of a vehicle is in such a condition and location that it may be subject to removal under this article the neighborhood protection official shall investigate the facts. In making a determination how long a vehicle or part of a vehicle has remained inoperable the neighborhood protection official conducting the investigation may rely upon a sworn statement of a person working or residing near the place where the vehicle is situated, who has personal knowledge of the facts, provided that the person is willing to allow the affidavit to be disclosed to the vehicle owners/lienholders and to appear at a public hearing, if one is requested by the vehicle owner/lienholder. In each instance in which it is proposed to remove a vehicle or part of a vehicle under this article, not less than ten days' notice of the nature of the nuisance shall be given to the persons specified in subsection (a) and in the manner specified in subsections (a), (b), and (c) as applicable, of § 683.075 of the Texas Transportation Code.

(b) A public hearing shall be ordered at the request of the person who receives notice as provided in subsection(a) if the request is made not later than the date by which the nuisance must be abated and removed. A public hearing requested under subsection (b) shall be conducted by the chief of police or his designee. In addition, notice of a public hearing as provided by this subsection may be published in a newspaper of general circulation throughout the city.

(c) If the neighborhood protection official or hearing officer determines that the vehicle or part of a vehicle is subject to removal hereunder he shall cause an

order to be issued directing its removal. The order shall include the information specified in § 683.076 of the Texas Transportation Code.

(d) Once a proceeding for the abatement and removal of a junked vehicle has commenced, the subsequent relocation of the junked vehicle to another location in the city will have no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 94-674, § 40, 7-6-94; Ord. No. 98-613, § 46, 8-5-98; Ord. No. 02-528, § 14h., 6-19-02; Ord. No. 02-1057, § 2, 11-13-02; Ord. No. 04-1075, § 6, 10-20-04; Ord. No. 06-1000, § 1, 10-3-06; Ord. No. 07-1001, § 5, 9-5-07; Ord. No. 07-1096, § 1, 10-3-07)

SEC. 10-534. DISPOSAL.

(a) In the event an order of disposal of the vehicle or part of the vehicle is issued under this article, then the neighborhood protection official shall cause the junked vehicle to be removed to a disposal site.

(b) It shall be unlawful for any person to cause any junked vehicle removed under this article to be reconstructed or made operable after it has been removed.

(c) Each contract let for the removal and disposal of vehicles under this article shall require the contractor to account for and be responsible to the city for the destruction of each vehicle within a specified time and require that the vehicles be kept and disposed of in such a manner that they may not be reconstructed or made operable.

(d) The neighborhood protection official shall ensure that notice of the identification of each junked vehicle or part of a junked vehicle removed under this article is given to the Texas Department of Highways and Public Transportation not later than the fifth day following the removal of the vehicle as required under section 683.074 of the Texas Transportation Code.

(Ord. No. 91-1303, § 2, 9-11-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(e), 12-8-93; Ord. No. 94-674, § 40, 7-6-94; Ord. No. 98-613, § 46, 8-5-98; Ord. No. 06-1000, § 2, 10-3-06; Ord. No. 07-1001, § 6, 9-5-07)

Sec. 10-535. Reserved.