

CHAPTER 90: JUNKED VEHICLES

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§ 90.01 ADOPTION OF REMOVAL PROCEDURE.

The city hereby adopts procedures for the abatement and removal, from private and public property or a public right-of-way, of a junked vehicle or part of a junked vehicle as a public nuisance, in conformity with the provisions of Tex. Trans. Code, §§ 683.071 *et seq.*, as hereafter amended.
(Ord. 107-96, passed 4-16-96)

§ 90.02 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JUNKED VEHICLE.

- (1) A vehicle that is self-propelled and inoperable and:
 - (a) Does not have lawfully attached to it:
 - 1. An unexpired license plate; and
 - 2. A valid motor vehicle inspection certificate.
 - (b) Is wrecked, dismantled or partially dismantled or discarded; or
 - (c) Has remained inoperable for more than 45 consecutive days.

(2) A **JUNKED VEHICLE**, as defined herein, is hereby declared to be a public nuisance.
(Ord. 107-96, passed 4-16-96)

§ 90.03 ABATEMENT AND REMOVAL.

(A) The following provisions shall govern the abatement and removal of junked vehicles.

(1) After removal, in accordance with this chapter, a vehicle may not be reconstructed or made operable.

(2) A public hearing, in accordance with this chapter, shall be required before removal of the public nuisance.

(3) A notice, identifying the vehicle or part of the vehicle, be given to the State Department of Transportation not later than the fifth day after the date of removal by the person authorized to administer the procedures under this chapter.

(4) Procedures for abatement and removal of a public nuisance under this chapter shall be administered by regularly salaried, full-time employees of the city, except that any authorized person may remove the nuisance.

(5) A person authorized to administer the procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance and to remove or direct the removal of the nuisance.

(6) The State Department of Transportation is instructed to immediately cancel the certificate of title issued for the vehicle, upon receipt of notice of removal pursuant to the provisions of this chapter.

(B) In accordance with the provisions of this chapter, 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 a municipality or county. Final disposition of a junked vehicle, removed in accordance with this chapter, may be made in accordance with the provisions of Tex. Trans. Code, § 683.078.
(Ord. 107-96, passed 4-16-96)

§ 90.04 NOTICE; PROCEDURE.

(A) Upon learning that a junked vehicle is or may be a public nuisance under the provisions of this chapter, a person authorized to administer the procedures, shall provide not less than ten days notice of the nature of the nuisance, which shall be sent by certified mail, with a five-day return requested, to:

(1) The last known registered owner of the nuisance;

(2) Each lienholder of record of the nuisance; and

(3) The owner or occupant of:

(a) The property on which the nuisance is located; or

(b) If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(B) The notice shall state that:

(1) The nuisance must be abated and removed not later than the tenth day after the date on which the notice was mailed; and

(2) Any request for hearing must be made before the ten-day period expires.

(C) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered.

(D) 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.
(Ord. 107-96, passed 4-16-96)

§ 90.05 HEARINGS.

Hearings conducted pursuant to the provisions of this chapter shall be held by the City Council or by an official designated by the City Council to conduct the hearings. If a hearing is requested by the owner or occupant of the property on which the nuisance is located, or the owner or occupant of the property adjacent to the right-of-way, if the nuisance is located on a public right-of-way, the hearing shall be held not earlier than the eleventh day after the date of the service of the notice. At any hearing held pursuant to this chapter, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable. If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's description, vehicle identification number and license plate number.

(Ord. 107-96, passed 4-16-96)

