

JUNK CAR ORDINANCE

#46

AN ORDINANCE PERTAINING TO JUNKED VEHICLES, DEFINING TERMS, DECLARING JUNKED VEHICLES A PUBLIC NUISANCE, PROVIDING FOR NOTICE TO ABATE SUCH PUBLIC NUISANCE; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR THE DISPOSAL OF JUNKED VEHICLES TO DEMOLISHERS; PROVIDING FOR A PENALTY; AND ESTABLISHING AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYSIDE, TEXAS:

SECTION 1.

Whenever the following terms are used in this article they shall have the meaning respectively ascribed to them in this section:

JUNKED VEHICLE. Means any motor vehicle as defined in Section 6701d-11, Vernon's Texas Civil Statutes, as amended;

(A) that is inoperative and

(B) 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, or discarded, or that remains inoperable for a continuous period of more than forty-five (45) days.

PERSON. Any individual, firm, partnership, association, corporation, company, or organization of any kind.

DEMOLISHER. Any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

SECTION 2. LOCATION OR PRESENCE OF JUNKED VEHICLES WITHIN CITY DEEMED PUBLIC NUISANCE: EXCEPTIONS.

The location or presence of any junked vehicle including tractors and wheeled farm vehicles or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the Town of Bayside shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his or their own real property; provide that this section shall not apply to (1) 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, (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard or (3) an unlicensed, operable, or inoperable antique or special interest vehicles stored by a collector on the collector's property, provided that the vehicles and the outdoor storage areas are maintained in such a manner 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.

SECTION 3. ABATEMENT OR REMOVAL ORDER: CONTENTS: SERVICE.

(a) Whenever such public nuisance exists in the city in violation hereof, the Sheriff's Department and/or his employees, who shall administer this ordinance, shall not give less than ten (10) days notice to the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists to abate or remove the same, stating the nature of the public nuisance on the private property and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made be-

fore expiration of said ten (10) day period by the aggrieved person, such notice to be mailed, by certified or registered mail with a five (5) day return receipt requested, to the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(b) Whenever such public nuisance exists in the city in violation hereof, the Sheriff's Department and/or his employees, shall give not less than a ten (10) day notice, stating the nature of the public nuisance on the public property or on a public right-of-way and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of said ten (10) day period, such notice to be mailed, by certified or registered mail with a five (5) day return receipt requested, to the owner or occupant of the public premises or to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exist. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(c) If a farm tractor or wheeled farm vehicle in the city limits is not used for one calander year it shall be considered a public nuisance and fall into the catagory of junked, wrecked or dismantled vehicle. The same shall apply to a mobil home that is not usable in its present state.

(d) A public hearing prior to the removal of the vehicle or part thereof as a public nuisance may be appealed to the city council for resolution, when such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located within ten (10) days after service of notice to abate nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available or applicable at the site.

(e) In the case of motor vehicles, notice by the city is to be given to the Texas Department of Highways and Public Transportation within five (5) days after the date of removal identifying the vehicle or part thereof. Said department shall forthwith cancel the certificate of title to such vehicle pursuant to Article 66870-1, Vernon's Civil Statutes Annotated.

(f) The Sheriff's Department and/or his employees, or the city shall administer the removal of said vehicle.

SECTION 4. REMOVAL WITH PERMISSION OF OWNER OR OCCUPANT.

If, within ten (10) days after receipt of notice from the Sheriff's Department and/or his employees, or his duly authorized agent, to abate the nuisance, as herein provided the owner or occupant of the premises shall give his written permission to the Sheriff's Department and/or his employees, or his duly authorized agent for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with Section 3.

SECTION 5. DISPOSAL OF JUNKED VEHICLES.

(a) If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this ordinance, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any suitable sit for process as scrap or salvage, which removal or process shall be considered with Section 5, subdivision (b) of this ordinance. A junked vehicle disposed of to a demolisher, in accordance with this ordinance, must be transferred to such demolisher by a form acceptable to the Texas Department of Highways and Public Transportation (Form #MVD 71-5). The transfer receipt must be listed on the demolisher's inventory list and surrendered to the Texas Department of Highways and Public Transportation in lieu of

the Certificate of Title under the provisions of Vernon's Ann. P.C. art. 1436-2.

(b) Notice shall be given to the Texas Department of Highways and Public Transportation five (5) days after the removal identifying the vehicle or part thereof.

SECTION 6. AUTHORITY TO ENFORCE.

The Sheriff's Department and/or his employees, or his agent, may enter upon private property for the purposes specified in this ordinance to examine vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this ordinance. The Municipal Court of the City shall have authority to issue all orders necessary to enforce such ordinance.

SECTION 7. APPLICATION.

Nothing in this Article shall effect ordinances that permit immediate removal of a vehicle left on public property which constitutes as obstruction to traffic.

SECTION 8. PENALTY.

Upon conviction for violation of any provisions of this article relating to the maintaining of a public nuisance as described herein or in permitting or allowing such public nuisance to exist, such violator shall be punished by a fine of and each day that such nuisance shall continue after the time for abatement as herein set out constitute a separate offense.

SECTION 9.

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

PASSED AND APPROVED this 12th day of November, 1991

ATTEST:

Winona Massey
City Secretary

Hy Phillips
Mayor