

ORDINANCE NO. 07-07-03

AN ORDINANCE OF THE CITY OF JEWETT, TEXAS PROHIBITING JUNKED MOTOR VEHICLES AND ABANDONED MOTOR VEHICLES; DECLARING JUNKED MOTOR VEHICLES AND ABANDONED VEHICLES TO BE A NUISANCE; PROVIDING NOTICE, HEARING AND ENFORCEMENT PROCEDURES FOR THE REMOVAL OF JUNKED MOTOR VEHICLES AND ABANDONED MOTOR VEHICLES; AND ESTABLISHING A PENALTY FOR THE VIOLATION OF SAID ORDINANCE.

WHEREAS, the City Council of the City of Jewett finds that it to be in the best interest of the health, safety and general welfare of the citizens of the City of Jewett to establish an ordinance prohibiting junked motor vehicles and abandoned vehicles on the basis that the same create a nuisance condition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JEWETT AS FOLLOWS:

Section 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antique auto means a passenger car or truck that is at least twenty-five (25) years old.

Collector means the owner of one (1) 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 personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Junked vehicle means 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 vehicles 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 (72) consecutive hours, if the vehicle is on public property; or
- (ii) Thirty (30) consecutive days, if the vehicle is on private property.

Section 2. Enforcement generally.

The mayor or his/her designees or the City's code enforcement officer is authorized to administer the provisions of this article and may enter upon private property to examine vehicles or parts thereof, obtain information as to the identity of vehicles or parts thereof, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal court shall have authority to issue all orders necessary to enforce this article.

Section 3. Junked vehicle declared to be public nuisance.

A junked vehicle that is located within the City in a place where it is visible at any time of the year from a public or private place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance.

Section 4. Notice requirements.

- (a) All persons in violation of this ordinance will be provided notice of their violation and given ten (10) days to comply with the requirements of this ordinance. The notice must be personally delivered or sent by certified mail to:
 - (1) the last known registered owner of the junked or abandoned motor vehicle;
 - (2) each lienholder of record of the junked or abandoned motor vehicle; and
 - (3) the owner or occupant of:

- a. The property on which the junked or abandoned motor vehicle 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 must state that:

- (1) The junked or abandoned motor vehicle must be removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
 - (2) Any request for a hearing must be made before that ten (10) 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 junked or abandoned vehicle; or, if the owner is located, personally delivered.
- (d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of return.

Section 5. Inapplicability of ordinance.

(a) Procedures adopted herein may not apply to a vehicle or vehicle part:

- (1) That is completely enclosed in 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 collection 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.

(b) In this section:

- (1) *Antique vehicle* means a passenger car or truck that is at least 25 years old.

(2) *Motor vehicle collector* means a person who:

- a. Owns one or more antique or special interest vehicles;
- b. Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

(3) *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.

Section 6. Hearing.

If a request for a hearing is made by a person served with a notice pursuant to the provisions of this article within ten (10) days of the service of the notice, the judge of a municipal court shall hold a hearing. The owner of the junked or abandoned motor vehicle may testify or present any witnesses or written information. If after reviewing the evidence presented at the hearing the judge determines that the vehicle or vehicle part is a public nuisance, he shall enter an order requiring removal of the vehicle or vehicle part. The 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.

Section 7. Disposal of junked motor vehicle; administration.

Junked motor vehicles not removed as required by this article shall be removed by the mayor, or his/her designees, or the City's code enforcement officer or his/her designees. A junked motor vehicle which has been removed under this article shall not be reconstructed or made operable. Within five (5) days after the date of removal, notice shall be given to the state department of highways and public transportation identifying the vehicle or part thereof so the department may cancel the certificate of title to the vehicle. Motor vehicles removed under this article shall be disposed of in accordance with law.

Section 8. Offense.

Unless stated otherwise, an offense under this chapter is a misdemeanor punishable by a fine not to exceed \$500.00, and, upon conviction, the court shall order abatement and removal of the nuisance.

PASSED AND APPROVED this the 9th day of July, 2007. The effective date of this Ordinance will be August 1, 2007.





JUDI KIRKPATRICK, Mayor, City of Jewett



VIRGINIA S. SITTON, City Secretary