

ORDINANCE NO. 2021-O-197

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 19, MOTOR VEHICLES AND TRAFFIC, ARTICLE VIII IMPOUNDMENT OF STANDING OR PARKED VEHICLES, SECTION 19-350 OF THE CODE OF ORDINANCES, BY ELIMINATING A PORTION OF SECTION 19-350 (a) (8) REGARDING NOTICE FOR ABANDONED VEHICLES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Laredo has the authority under State law to remove abandoned vehicles from public roadways; and

WHEREAS, the City of Laredo Code of Ordinances has codified such authority under Chapter 19 “Motor Vehicles and Traffic” Article VIII “Stopping, Standing, or Parking” ; and

WHEREAS, the Code of Ordinances currently requires more notice than is required under state law; and

WHEREAS, the City wishes to bring its Code of Ordinances in line with state law thorough the proposed change; and

WHEREAS, the proposed changes allow for increased efficiency in abating nuisances while adhering to the requirements of the Texas Transportation Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1. The City of Laredo Code of Ordinances, Chapter 19 Motor Vehicles and Traffic, Article VIII, Sec. 19-350 is hereby amended as follows:

ARTICLE VIII. – MOTOR VEHICLES AND TRAFFIC

Sec. 19-350 – Impoundment of standing or parked vehicles – Generally.

- (a) Any vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place, may be removed by or upon order of the chief of police, or any police officer designated by the chief of police, or any person authorized by the city

manager, and placed in storage in a privately operated garage or other place designated or maintained by the city, under the following circumstances:

- (1) When any vehicle is found upon a street, avenue, alley, way, or public place and a report has been previously made that such vehicle has been stolen or a complaint has been filed and a warrant issued thereon, charging that such vehicle has been stolen or converted in violation of law.
- (2) When any police officer of the city or other person authorized by the mayor has reasonable grounds to believe that any vehicle has been abandoned.

"Abandoned motor vehicle" means a motor vehicle that is inoperable and over eight (8) years old and is left unattended on public property for more than forty-eight (48) hours, or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours, or a motor vehicle left unattended on the right-of-way, public street, avenue, way, alley or other public place within the city for more than forty-eight (48) hours.

- (3) When a police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is or may be required by law to take the one arrested immediately before a magistrate, or if the arrested one is immediately taken before a magistrate, and when the arrested one is the sole occupant or the owner of the vehicle and is immediately placed in custody.
- (4) When a vehicle is so disabled that its normal operation is impossible or impractical and the persons in charge of the vehicle are incapacitated by reason of physical injury or other causes to such an extent as to be unable to provide for its removal or custody, or cannot be found or are not in the immediate vicinity of such vehicle.
- (5) When such vehicle is left unattended upon any bridge, viaduct, or causeway and constitutes an obstruction to traffic.
- (6) When any such vehicle is illegally parked so as to block the entrance to any private driveway and it is impractical to move such vehicle from in front of the driveway to any other point on the highway.
- (7) When any vehicle constitutes a hazard, or interferes with the normal function of a governmental agency, or by reason of any catastrophe, emergency, or unusual circumstance the safety of the vehicle is imperiled.
- ~~(8) When any vehicle is left standing or parked unattended for more than forty-eight (48) hours in violation of any applicable section of this Code, state law or city ordinances, rules or regulations, a police officer or other authorized person shall place a red tag giving notice that the vehicle has been declared abandoned, and the owner or operator has forty-eight (48) hours to remove the vehicle or the vehicle will be impounded by the police department. The red tag shall contain a declaration that the vehicle is in violation of this section, the location of the vehicle, and the date of the notice.~~
- (9) When any vehicle is parked in violation of metered parking space.

- (10) When any vehicle extending beyond ten (10) feet in width or thirty-five (35) feet in length is left standing or parked unattended on a public street, public right-of-way or public property.
- (11) When any vehicle is parked on the sidewalk.
- (12) Any vehicle parked on any area which has been designated a tow-away zone by the city council, and is so marked.
- (13) When any agricultural vehicle, commercial motor vehicle, semitrailer, trailer, or truck tractor, irrespective of length or width, is left overnight standing or parked on a public street, public right-of-way or public property.
- (b) In order to obtain possession of a vehicle stored under the provisions of this section, the claimant must produce satisfactory evidence of ownership or right to possession within thirty (30) days from the date of such storage and, in addition thereto, must pay all charges for storage and removal of such vehicle.
- (c) In the event a vehicle is impounded, the police department, within ten (10) days, will give a written notice, by certified mail, return receipt requested, to the last registered owner and lienholder(s), if any, that the vehicle has been impounded; and the owner and lienholder(s), if any, have twenty (20) days from date of receipt of such notice in which to reclaim the vehicle; and the failure of the owner and lienholder(s), if any, to exercise his or their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and lienholder(s), if any, of all his or their right, title and interest in such vehicle and shall be deemed his or their consent to the sale of the abandoned motor vehicle at a public auction. Such vehicle will then be sold in a public auction in accordance with the provisions of art. 6687-9 of the Texas Civil Statutes.
- (d) It shall be unlawful to park any vehicle on private property without express permission or authorization from the owner of such property. Any vehicle which shall be or remain standing or parked upon any privately owned parking area when the person in charge of or operating the vehicle does not have express permission or authorization to be so parked or standing, may be removed by or upon order of the chief of police or any person designated by the mayor, and placed in storage in a privately operated garage or other place designated or maintained by the city. It shall be the duty of the owner of the private property to erect appropriate signs giving notice that parking is prohibited without express permission or authorization and stating that unauthorized vehicles will be towed away and impounded at the expense of the owner of the vehicle. No regulation of parking of motor vehicles shall be effective unless such signs are erected and in place at the time of any alleged offense.
- (e) All commercial parking space operators and garagemen shall be governed by state laws concerning disposition of abandoned vehicles, and shall notify the chief of police when any vehicle has been abandoned prior to disposition.

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The publishers of the City Code of Laredo, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

Section 5. This Ordinance shall become effective immediately upon its passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
ON THIS __ DAY OF _____, 2021.**

**PETE SAENZ
MAYOR**

ATTESTED:

**JOSE A. VALDEZ, JR.
CITY SECRETARY**

APPROVED AS TO FORM:

**ANA SOPHIA GARCIA
INTERIM CITY ATTORNEY**