

CITY OF ROYSE CITY
ORDINANCE NUMBER 02-05-291

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROYSE CITY, TEXAS, ESTABLISHING A PROCEDURE FOR THE ABATEMENT AND REMOVAL OF JUNKED VEHICLES OR PARTS THEREOF, AS PUBLIC NUISANCES, FROM PRIVATE PROPERTY, PUBLIC PROPERTY, OR PUBLIC RIGHTS OF WAY; PROVIDING EXCEPTIONS; PROVIDING FOR NOTICE; PROVIDING PUBLIC HEARING BEFORE REMOVAL; ESTABLISHING A PROCEDURE FOR THE DISPOSAL OF JUNK VEHICLES ; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, SUBCHAPTER E of the Texas Transportation Code authorizes local authorities, such as The City of Royse City, to adopt procedures for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance; and,

WHEREAS, The City Council of the City of Royse City desires to adopt such procedures;

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

SECTION 1. DEFINITIONS

In this ordinance, the terms listed shall have the following meanings:

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

"City" means The City of Royse City, Texas.

"Demolisher" means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

"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 vehicle inspection certificate; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or:

(B) inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

"Special Interest Vehicle" means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

"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 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.*

SECTION 2. JUNKED VEHICLES DECLARED TO BE PUBLIC NUISANCE

A) A junked vehicle, including a part of a junked vehicle, that is visible from a public 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 3. OFFENSE

A) A person commits an offense if the person maintains a public nuisance as described in this ordinance.

B) An offense under this ordinance is a misdemeanor punishable by a fine not to exceed \$200.00 , and a seperate offense shall be demed committed upon each day during or on which a violation occurs or continues.

C) The Municipal Court shall order abatement and removal of the nuisance on conviction.

SECTION 4. INAPPLICABILITY

A) Exceptions to nuisance provisions. This ordinance may not apply to a vehicle or vehicle part:

- (1) that is completely enclosed within a building in a lawful manner and is not visible from a 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 unlicensed, operable, or inoperable antique or special interest vehicle stored by 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 appropriate means, including a fence, rapidly growing trees, or shrubbery.*

SECTION 5. AUTHORITY TO ABATE NUISANCE; PROCEDURES

A) A person authorized to administer the procedures set forth in this ordinance 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.

B) A junked vehicle, or a part of a junked vehicle, may not be reconstructed or made operable after removal.

C) A notice will be sent to the Texas Department of Transportation, within five days after the date of removal, advising that the junked vehicle or part of the vehicle was removed.

D) A public hearing will be held before removal of a junked vehicle, and the Municipal Court may issue necessary orders to enforce removal of a junked vehicle. If any person receiving a notice to abate under this ordinance does not request a hearing within the 10th days after the date on which the notice was mailed, and the nuisance has not been abated within that period, the Chief of Police or his duly authorized agent shall request an abatement hearing.

E) The relocation of a junked vehicle that is a public nuisance to another location inside the City Limits of the City of Royse City, after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

F) Procedures for abatement and removal of a public nuisance must be administered by regularly salaried, full-time employees of the City of Royse City, except that any authorized person may remove the nuisance.

G) The City of Royse City will dispose of a junked vehicle or junk vehicle part by removal to a licensed scrapyard, or a motor vehicle demolisher, when a nuisance is abated.

SECTION 6. NOTIFICATION OF OWNER, LIEN HOLDERS ,AND OWNERS OR OCCUPANTS OF PRIVATE PROPERTY

A) Whenever any such public nuisance (junked vehicle or a part thereof) exist on private or public property within the City Limits, notice must be personally delivered or 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 must state that:

- (1) the nuisance must be abated and 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 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 nuisance or, if the owner of the nuisance 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 the return.

SECTION 7. PUBLIC HEARINGS FOR ABATEMENT

- A) The Chief of Police will conduct hearings under the procedures adopted by this ordinance.
- B) If a hearing is requested by a person for whom notice is required, the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- C) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- C) If information is available at the location of the nuisance, an order requiring removal of the nuisance must include the vehicle's:
- (1) description;
 - (2) vehicle identification number; and
 - (3) license plate number.

SECTION 8. REPEALER

- A) All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

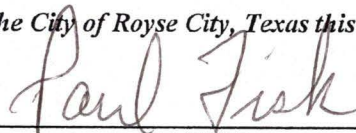
SECTION 9. SEVERABILITY

- A) If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 10. PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

- A) This ordinance shall become effective from and after the date of its passage and publication, as required by law, and it is accordingly so ordained.

PASSED AND APPROVED by the City Council of the City of Royse City, Texas this the ^{14th} ~~7th~~ day of May 2002.



MAYOR

ATTEST:


BRENDA CRAFT, CITY SECRETARY

