

ORDINANCE NO. 5-18-06

AN ORDINANCE MAKING IT UNLAWFUL TO LEAVE OR PERMIT TO REMAIN UPON ANY PRIVATE OR PUBLIC PROPERTY WITHIN THE CITY OF THRALL, TEXAS, ANY JUNKED VEHICLE, OR PORTIONS THEREOF, FOR ANY PERIOD OF TIME EXCEEDING TEN (10) DAYS; DECLARING THE LEAVING OR PERMITTING TO REMAIN, OF ANY JUNKED MOTOR VEHICLE, OR PART OR PORTION THEREOF, UPON PUBLIC OR PRIVATE PROPERTY IN THE CITY OF THRALL, TEXAS, (EXCEPT AS PROVIDED HEREIN) TO BE UNLAWFUL AND ESTABLISHING PROCEDURES FOR ABATEMENT AND REMOVAL OF JUNKED VEHICLES OR PARTS THEREOF, AND PUBLIC NUISANCES, FROM PRIVATE PROPERTY OR PUBLIC PROPERTY, PROVIDING THAT NOTICE BE GIVEN; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND TO REPLACE ORDINANCE NO. 9-14-98.

WHEREAS, the City Council of the City of Thrall, Texas, finds a large number of junked vehicles, as that term is defined therein, are from time to time left in places where they are visible from a public place or public right-of-way, that said junked vehicles create fire hazards and that the same constitutes an attractive nuisance, creating a hazard to the health and safety of minors, and the same are detrimental to the economic welfare of the City by producing urban blight which is adverse to the maintenance and continuing development of the City of Thrall, Texas;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Thrall, Texas:

SECTION 1. SHORT TITLE

This Ordinance may be cited as "Junked Vehicle Ordinance".

SECTION 2.

A. The following terms whenever used or referred to in this Ordinance shall have the same respective meaning unless a different meaning clearly appears for the context:

1. "City" shall mean the City of Thrall, Texas.

2. "Police Department" shall mean the Police Department of the City.
3. "Demolisher" means any person whose business is to convert the motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.
4. "Junked Vehicle" means any motor vehicle as defined in Vernon's Texas Codes Annotated, Transportation Code, Section 683.071 and as amended, which vehicle is self-propelled and is inoperative and:
  - a. does not have lawfully attached to it:
    - i. an unexpired license plate; or
    - ii. a valid motor vehicle inspection certificate;
  - b. is wrecked, dismantled or partially dismantled, or discarded; or
  - c. has remained inoperable for more than forty-five (45) consecutive days.

SECTION 3. JUNKED VEHICLES DECLARED A PUBLIC NUISANCE.

Junked Vehicles which are located in any place where they are visible from a public place or public right-of-way, are detrimental to the safety and welfare of the general public, do tend to reduce the value of private property, do invite vandalism, do create fire hazards, do constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the State, by producing urban blight which is adverse to the maintenance and continuing development of the municipalities in the State of Texas, and such vehicles are, therefore, declared to be a public nuisance.

SECTION 4. MAKING IT UNLAWFUL TO CREATE OR TO MAINTAIN SUCH NUISANCE.

It shall be unlawful for any individual, company or corporation to leave or permit to remain upon public or private

property (except as hereinafter provided), within the City of Thrall, Texas, any junked vehicle or parts or portion thereof, for any period of time in excess of ten (10) days.

SECTION 5. NOTICE BY CHIEF OF POLICE OF THE CITY OF THRALL, TEXAS.

A. Whenever it is brought to the attention of the Chief of Police of the City of Thrall, Texas, that nuisance, as defined herein, exists in the City of Thrall, the Chief of Police shall give or cause to be given to the person maintaining or suspected of maintaining such nuisance, in writing, a ten (10) day notice, stating the nature of the public nuisance and that it must be removed and abated within ten (10) days; and further that a request for a hearing must be made before the expiration of said ten (10) day period, such notice to be mailed, by certified or registered mail, with a five (5) 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 occupancy 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 tenth (10th) day after the date on which the notice was 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 nuisance or, if the owner is located, hand delivered.

- D. If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.
- E. A public hearing may be held prior to the removal of the vehicle or the part thereof as a public nuisance, the same should be held before the Municipal Judge of the City of Thrall, when such hearing is requested by the owner or occupant of the premises on which said vehicle is located, within ten (10) days after service of notice to abate the nuisance. At a hearing, the junked motor 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:

- a. description;
- b. vehicle identification number; and
- c. license plate number.

SECTION 6. ORDER BY MUNICIPAL JUDGE.

- A. After the hearing is held by the Judge of the Municipal Court of the City of Thrall as herein provided, if said Municipal Judge finds that such a nuisance as herein defined exists, he shall order the owner or occupant of the premises on which said vehicle is located to remove such junked vehicle within ten (10) days after said order is given to such owner or occupant of the premises on which said vehicle is located.
- B. It shall be unlawful and a violation of this Ordinance for any such person to whom such order is given to fail or refuse to comply therewith to remove such junked vehicle within the time provided by said order.

SECTION 7. DUTY OF OWNER OR OCCUPANT OF THE PREMISES.

In the event the owner or occupant of the premises does not request a hearing, as hereinabove provided, it shall be his duty to comply with the provisions of the notice given him and to abate such nuisance within ten (10) days after the date of the receipt of such notice.

SECTION 8. VEHICLES NOT TO BE MADE OPERABLE

After a vehicle has been removed in accordance with or under the terms and provisions of this Ordinance, it shall not be reconstructed or made operable.

SECTION 9. NOTICE TO TEXAS HIGHWAY DEPARTMENT.

Notice shall be given to the Texas Highway Department within five (5) days after the date of removal identifying the vehicle or part thereof.

SECTION 10. WHERE ARTICLE DOES NOT APPLY.

A. This Ordinance shall 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 junk yard, or that is an antique or special interest vehicle stored by a 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 by a fence, rapidly growing trees, or shrubbery.

B. As used in this Ordinance:

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 vehicles; and
  - 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 11. ADMINISTRATION OF THIS ORDINANCE.

The administration of this Ordinance shall be by regularly salaried, full-time employees of the City of Thrall, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

SECTION 12. REMOVAL OF VEHICLE.

Within ten (10) days after notice has been delivered to the owner or occupant of the premises on which a junked vehicle is located if a hearing is not requested, or if a hearing is requested, within ten (10) days after an order requiring the removal of such junked vehicle has been served upon or delivered to the owner or occupant of the premises on which said vehicle is located, the Chief of Police of the City of Thrall or members of the Police Department of the City of Thrall, acting under the direction of the Chief of Police, may if said nuisance has not been

abated, remove or cause to be removed the vehicle which was the subject of such notice to a suitable City storage area. Such vehicle shall be stored in such storage area for a period of not less than ten (10) days during which period any party owning or claiming any right, title, or interest therein shall be entitled to claim possession of same by the payment to the City of Thrall, Texas, the actual cost of the City of abating such nuisance. The Chief of Police may in such cases, if he deems it necessary, require such person to post bond of not more than \$50.00 nor less than \$25.00, conditioned that such person will not use said vehicle to create another nuisance in the City of Thrall.

#### SECTION 13. SALE OR DISPOSAL OF VEHICLES.

When any junked vehicle has remained in the storage area provided in Section 12 hereof, for not less than ten (10) days, it shall be the duty of the Chief of Police of the City of Thrall, Texas, to dispose of same by removal to a scrap yard or by the sale to a demolisher for the highest bid or offer received therefore or to remove same to any suitable site operated by the City for processing as scrap or salvage.

#### SECTION 14.

Out of the proceeds of same the Chief of Police shall pay for the cost of removal and storage and the balance, if any, shall be paid to the person entitled thereto (either owner or lienholder). If there is not a bid or offer for the junked vehicle, the Chief of Police may dispose of same by causing it to be demolished or removed to a place provided by the City Council, or by permitting it to be removed by a demolisher who is willing to do so for the benefit of the junk or parts he can salvage.


#### SECTION 15.

Any person who shall violate the terms and provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than \$1.00 and not more than \$200.00 and each and every day this Ordinance is violated shall constitute a separate offense.

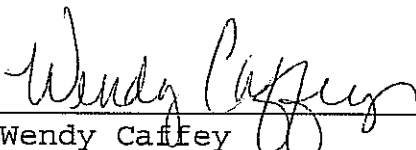
#### SECTION 16.

This ordinance replaces ordinance No. 9-14-98.

PASSED and APPROVED the 18 day of MAY 2006.

  
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Troy Marx  
Mayor

ATTEST:

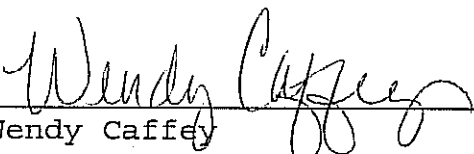
  
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Wendy Caffey  
City Secretary

CERTIFICATE

THE STATE OF TEXAS  
COUNTY OF WILLIAMSON

I, Wendy Caffey, being the current City Secretary of the City of Thrall, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 5-18-06, passed and approved by the City Council of the City of Thrall, Texas, on the 18th day of May, 2006, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 18th day of May, 2006.

  
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Wendy Caffey  
City Secretary