

ORDINANCE NO 019

AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES; DEFINING CERTAIN TERMS, DECLARING JUNKED VEHICLES A PUBLIC NUISANCE: RESTRICTING THE DISPOSITION OR KEEPING OF WRECKED, NON-OPERATING, OR DISCARDED VEHICLES ON STREETS OR PRIVATE PROPERTY; PROVIDING FOR ENFORCEMENT OF THE TERMS AND CONDITIONS HEREIN; PROVIDING FOR APPEAL; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AMENDMENTS TO SUCH ORDINANCES IN CONFLICT WITH THE TERMS AND CONDITIONS HEREIN: PROVIDING A SEVERABILITY CLAUSE; AND HAVING AN EFFECTIVE DATE.

WHEREAS, in the TOWN OF ANNETTA SOUTH , Texas, vehicles are or may in the future be abandoned in the streets and other places within the Town; and

WHEREAS, there are or may in the future be dismantled, partially dismantled wrecked, junked, non-operating or discarded vehicles left about the Town other than in junk yards or other appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety and health hazards to children as well as adults; interfere with the comfort and well-being of the public; and aggravate urban blight; and

WHEREAS, adequate protection of the health and public safety and welfare requires that such conditions be regulated, abated, and prohibited;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF ANNETTA SOUTH, TEXAS:

ARTICLE I - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

I. 1. 1. PERSON - shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

I. 1. 2. MOTOR VEHICLE - shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title act.

I. 1. 3. ABANDONED MOTOR VEHICLE - shall mean a motor vehicle that is inoperable and over eight years old and is left unattended on public property for more than 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

48 hours, or a motor vehicle left unattended on the right-of-way of any designated county, state or federal highway or town street within this state in excess of 48 hours.

I. 1. 4. JUNKED VEHICLE - shall mean any motor vehicle as defined in Section 1, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes)

(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, partially dismantled, or discarded; or that

(C) remains inoperable for a continuous period of more than 45 days.

I. 1. 5. STREET OR HIGHWAY - shall mean the entire width between the boundary of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

I. 1. 6. PROPERTY - shall mean any property within the Town which is not a street or highway.

I. 1. 7. ANTIQUE AUTO - shall mean any passenger cars or trucks that were manufactured in 1925 or before, or which became 35 or more years old.

I. 1. 8. SPECIAL INTEREST VEHICLE - shall mean a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of historical interest, is being preserved by hobbyists.

I. 1. 8. COLLECTOR - shall mean the owner of one 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 his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

## ARTICLE II -

### JUNKED VEHICLES DECLARED A PUBLIC NUISANCE

II. 2. 1. 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, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute 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.

II. 2. 2. No person in charge or control of private property within the Town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junked vehicles to remain on his property unless such vehicle shall be completely enclosed within a building in lawful manner so that it is not visible from the street or any other public or private property.

## ARTICLE III

### ABANDONMENT OF VEHICLES

III. 1. 1. No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and

and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The provisions of this section do not apply to vehicles which have been abandoned so as to create a traffic hazard or that are abandoned in officially designated "No Parking" zones.

#### ARTICLE IV

##### LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET

IV. 1. 1. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town.

#### ARTICLE V

##### EXCEPTIONS

V. 1. 1. This ordinance shall not apply to vehicles or parts thereof which are stored or parked in a lawful manner on private property by a licensed vehicle dealer or a junk yard or to an unlicensed operable or inoperable antique or special interest vehicle stored by a collector on his property provided that the vehicles and the outdoor storage areas are maintained in such manner that they do not constitute a health hazard and are concealed by fence, trees, rapidly growing shrubs or other appropriate means.

#### ARTICLE VI

##### ENFORCEMENT

VI. 1. 1. The Mayor or his designated representative, shall be responsible for enforcement of this ordinance. Persons believed to be in violation of this ordinance shall be advised by certified letter that they are maintaining a public nuisance and must abate the nuisance within ten (10) days. If those persons so desire a public hearing, the hearing may be heard by the Board of Aldermen.

VI. 1. 2. Upon a finding by the Board of Aldermen that the junked vehicle is a public nuisance, the owner of said property shall be given ten (10) days to remove the public nuisance. Thereafter a complaint alleging maintenance of a public nuisance shall be filed in the District Court of Parker County, Texas. Upon judgment rendered, the District Court of Parker County, Texas shall order removal and abatement of the nuisance.

VI. 1. 3. The District Court of Parker County, Texas shall have the authority to issue all orders necessary to enforce the removal of said junked vehicles or parts thereof.

#### ARTICLE VII

##### PENALTIES

VII. 1. 1. In the event that the owner, lessee, tenant, or other person as advised does not request a public hearing concerning maintenance of a public nuisance and fails to comply with the notification by certified mail within the period specified, the Mayor or his designated representative will file a complaint in the District Court of Parker County, Texas against the owner, lessee, tenant, or other person for maintenance of a public nuisance.

VII. 1. 2. Upon judgement being rendered, the District Court of Parker County, Texas shall order removal and abatement of the nuisance.

VII. 1. 3. The District Court of Parker County, Texas shall have the authority to issue all orders necessary to enforce the removal of said junked vehicles or parts thereof.

ARTICLE VIII  
REPEALING CLAUSE

VIII. 1. 1. This ordinance repeals any other ordinances, parts of ordinances, or amendments thereto in conflict with the terms and conditions of this ordinance.

ARTICLE IX  
SEVERABILITY

IX. 1. 1. Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the Board of Aldermen, and each said provision would have been separately passed without any other provisions, and if any provisions hereof should be ineffective, invalid, or unconstitutional for any cause, it shall not impair, nor affect the remaining portion nor any part thereof, but the valid portion shall be enforced just as if it had been passed alone.

ARTICLE X  
EFFECTIVE DATE

X. 1. 1. This ordinance shall be effective from and after its passage and publication as required by law

X. 1. 2. PRESENTED AND APPROVED this the 10<sup>th</sup> day of October, 1985.

APPROVED:

Carl J. Robinson  
Mayor, TOWN OF ANNETTA SOUTH, Texas



John S. Styrsky  
Secretary, Town of Annetta South, Texas