

ORDINANCE NO. 21-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, OF THE CITY OF TEXAS CITY, TEXAS, TITLE IX. GENERAL REGULATIONS, CHAPTER 94, "HEALTH AND SANITATION", SECTION: JUNKED OR ABANDONED VEHICLES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; DISPENSING WITH THE CHARTER REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, there is a need to amend **The Code of Ordinances of the City of Texas City, Texas**, Title IX. General Regulations, Chapter 94, Health and Sanitation, Section: Junked or Abandoned Vehicles, so that the Code complies with revisions to the Texas Transportation Code, Chapter 683, Section 683.071.

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

SECTION 1: That the City Commission approves amendment of Chapter 94, Health and Sanitation, Section: Junked or Abandoned Vehicles.

SECTION 2: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 94, Health and Sanitation, Section: Junked or Abandoned Vehicles, is hereby amended to read and provide as follows:

"TITLE IX. GENERAL REGULATIONS"

Sec. 94.025 is amended to read as follows:

Sec. 94.025 JUNKED OR ABANDONED VEHICLES

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A vehicle is abandoned if the motor vehicle:

- (a) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
- (b) Has remained illegally on public property for more than 48 hours;
- (c) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (d) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours;
- (e) Has been left unattended for more than 24 hours on the right-of-way of a turnpike project

constructed and maintained by the Texas Turnpike Authority division of the Texas Department of Transportation of a controlled access highway; or

(f) Is considered an abandoned vehicle under Section 644.153(r).

ANTIQUÉ CAR. A passenger car or truck that is at least 35 years old.

DEMOLISHER. Any person whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.

JUNKED VEHICLE. A vehicle that is self-propelled and:

(a) Does not have lawfully attached to it:

1. An unexpired license plate; or
2. Does not display a license plate, or
3. A valid motor vehicle inspection certificate.

(b) Is:

1. Wrecked, dismantled or partially dismantled, or discarded; or
2. Inoperable and has remained inoperable for more than:
 - a. Seventy-two consecutive hours, if the vehicle is on public property; or
 - b. Thirty consecutive days, if the vehicle is on private property.

(c) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under FAA aircraft registration regulations.

(d) A watercraft that:

1. Does not have lawfully on board an unexpired certificate of number, and
2. Is not a watercraft described by Section 31.055, Parks and Wildlife Code.

(B) *Declaration of nuisance; violations.*

(1) An abandoned vehicle, junked vehicle or vehicle part that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city, and is a public nuisance.

(2) Any person commits an offense if that person maintains a public nuisance as determined under this section.

(3) A complaint concerning a public nuisance shall be filed in the Municipal Court of the city if the public nuisance, as provided under this section, is not removed and abated and a hearing is not requested

within the ten-day period provided by divisions (D)(1) and (D)(2) below.

(C) *Responsibility for administration; right of entry; abatement policy.* The Marshal's Office Chief Administrator, or a city employee under his or her direction, shall administer the provisions of this section; except that, the removal of vehicles or vehicle parts from property may be by any other authorized person. The Marshal's Office Chief Administrator, or a city employee under his or her direction, shall have authority to enter upon any private property for the purposes specified in this section, to examine vehicles or vehicle parts, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. It is the policy of the city to abate and remove abandoned vehicles, junk vehicles or vehicle parts as public nuisances from private property, public property or public rights-of-way and to implement the abatement and removal by the use of the procedures established in this section.

(D) *Order to remove; hearing; removal and disposition by city.* Whenever it shall be determined that an abandoned vehicle, junked vehicle or vehicle part is located in a place where it is visible from a public place or public right-of-way, thereby constituting a public nuisance:

(1) For a nuisance on private property, the Marshal's Office Chief Administrator shall give not less than a ten-day notice, stating the nature of the public nuisance on private property, that it must be removed and abated within ten days, and that a request for a hearing must be made to the Marshal's Office Chief Administrator before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return requested, to the owner or occupant of the private premises on which the public nuisance exists, and to the last known registered owner of the nuisance and each lienholder of record of the nuisance. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day from the date of such return;

(2) For a nuisance on public property, the Marshal's Office Chief Administrator shall give not less than a ten-day notice, stating the nature of the public nuisance on public property or on a public right-of-way, that it must be removed and abated within ten days, and that a request for a hearing must be made to the Marshal's Office Chief Administrator before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return requested, to the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which such public nuisance exists, and to the last known registered owner of the nuisance and each lienholder of record of the nuisance. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day from the date of such return;

(3) A public hearing is required before the removal of the vehicle or vehicle part as a public nuisance. If a public hearing is requested by the owner or occupant of the public or private premises, or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, it shall be held before the Texas City Municipal Court of Record, prior to the removal of the vehicle or vehicle part as a public nuisance, at a time to be set by him or her, but not earlier than the eleventh day after the date of the service of notice to abate the nuisance. An order of the Texas City Municipal Court of Record requiring the removal of the vehicle or vehicle part 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;

(4) When no public hearing is requested by the owner or occupant of the premises where the public nuisance exists, upon the expiration of the period of time set forth in divisions (D)(1) and (D)(2) above, the

Marshal's Office Chief Administrator shall enter an order requiring the removal of the vehicle or vehicle part, the order to include a description of the vehicle or vehicle part and the correct identification number and license number of the vehicle, if available at the site;

(5) Within five days after the date of the removal, notice shall be given to the State Department of Highways and Public Transportation identifying the vehicle or vehicle part; and

(6) A junked vehicle or vehicle part may be disposed of by removal to a scrap yard or demolisher for processing as scrap or salvage.

(7) The relocation of a previously noticed junked vehicle or vehicle part under this section to another location, where it remains in violation of this ordinance, shall be considered an unlawful continuance and shall remain subject to the abatement proceedings.

(E) *Reconstruction of removed vehicles prohibited.* After removal of any such junked vehicle, it shall not thereafter be reconstructed or made operable.

(F) *Exemptions.* The provisions of this section shall not apply to:

(1) A vehicle or vehicle part which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) A vehicle or vehicle part which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard; and

(3) Unlicensed operable or inoperable antique or special interest vehicles stored by a collector on the collector's property; provided that, the vehicles and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(G) *Administrative personnel; persons authorized to remove vehicles.* The administration of the procedures provided by this section shall be accomplished by regular, salaried, full-time employees of the city; except that, the removal of vehicles or vehicle parts from property may be by any other duly authorized person.

(H) *Open storage of abandoned vehicles.* It shall be unlawful for the owner or occupant of any building, structure or property within the city, regardless of how zoned by Ch. 160 of this code of ordinances, to utilize the premises of the property for the open storage of any abandoned motor vehicle. It shall be the duty and responsibility of every owner or occupant to remove from the premises all abandoned motor vehicles upon notice from the designated official of the city. For the purpose of this section, an **ABANDONED MOTOR VEHICLE** is defined as one that does not have attached to it a valid license plate and inspection sticker duly issued to the vehicle, is in a state of disrepair, or is incapable of being removed under its own power. The provisions of this division (H) shall not apply to any duly licensed junk dealer operating under and in compliance with Ch. 114 of this code of ordinances.

(1998 Code, § 62-112) (Ord. 04-32, passed 7-21-2004) Penalty, see § [94.999](#)

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby

expressly repealed to the extent of such conflict.

SECTION 4: That, in the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 5: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

PASSED AND ADOPTED this 19th day of May 2021.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney