

ORDINANCE 75

AN ORDINANCE REGULATING JUNK MOTOR VEHICLES

WHEREAS, the City Council finds it is necessary to preserve and maintain the public health, safety, and welfare of the citizens of Coahoma, Texas, and;

WHEREAS, the City Council finds that junk motor vehicles are unsightly, are a dangerous nuisance to the public and have a negative impact on property use and valuation, therefore, certain regulations related to junk motor vehicles in the city limit of Coahoma, Texas are hereby adopted by the City of Coahoma;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COAHOMA, TEXAS: THAT THE FOLLOWING REGULATIONS SHALL BE EFFECTIVE ON THIS DATE, JANUARY 1, 2010.

ARTICLE I. JUNKED MOTOR VEHICLES.

Section 1. Definitions.

In this Ordinance:

"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;
2. Is wrecked, dismantled or partially dismantled, or discarded; or
3. Is inoperable and has remained inoperable for more than:
 - a. 72 consecutive hours, if the vehicle is on public property; or
 - b. 30 consecutive days, if the vehicle is on private property.

Section 2. Junked Vehicle Statute adopted.

All definitions contained in Ordinance 683, Subchapter E, entitled "Junked Vehicles; Public Nuisance; Abatement" of the Texas Transportation Code Ann. governing junked vehicles, are expressly incorporated into this Ordinance and adopted and all amendments thereto.

Section 3. Public nuisance declared.

A junked vehicle, including a part of a junked vehicle that is visible from a public place or public right-of-way:

- A. Is detrimental to the safety and welfare of the public;
- B. Tends to reduce the value of private property;
- C. Invites vandalism;
- D. Creates a fire hazard;
- E. Is an attractive nuisance creating a hazard to the health and safety of minors;
- F. Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- G. Is a public nuisance.

Section 4. Exceptions.

The provisions in this Ordinance shall not apply to:

- A. Any vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from a street or other public or private property; or is completely screened from ordinary public view by means of a fence, trees, shrubbery or other appropriate means.
- B. Any vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer;
- C. Operable or inoperable, antique or special interest vehicles stored by a motor vehicle collector on the collector's property; provided that, the vehicles and outdoor storage areas are maintained in such an orderly manner as they do not constitute a health hazard and are screened from ordinary public view by means of a fence, trees, shrubbery or other appropriate means.

Section 5. Notification.

A. Whenever any such nuisance is within the City in violation of this Ordinance, the City Secretary or designee shall order the abatement or removal of the nuisance. Such order shall:

- 1. Be in writing;
 - 2. Specify the nature of the nuisance on private property, public property, or on the public right-of-way, as the case may be, and its location;
 - 3. Specify that the nuisance must be abated and removed not later than the tenth day after the date on which the notice was mailed;
 - 4. Specify that a request for a hearing before the City Council must be made before the expiration of the ten day period mentioned in subsection (A)(3) of this section;
 - 5. Be mailed by certified mail with a five-day return requested, to:
 - a. The last known registered owner of the nuisance;
 - b. Each lien holder of record of the nuisance;
 - c. And the owner or occupant of:
 - i. The property on which the nuisance is located; or
 - ii. The property adjacent to the right-of-way, if the nuisance is located on a public right-of-way.
- B. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance with a placard or, if the owner is located, hand delivered.
- C. 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. After the expiration of such ten-day period, the City Secretary or designee shall obtain a date, time and place of the hearing before the City Council.
- D. If an addressee of the notice set out in Section 5 A.5. does not properly request a hearing, then such failure shall be deemed an admission that the automobile or part thereof is a nuisance. Further, upon such failure to request a hearing, the City Secretary or designee shall issue a citation and file a complaint in a court of competent jurisdiction.

Section 6. Preliminaries to hearing.

In the event that any party listed under Section 5 desires the hearing provided for in this Ordinance, the party shall present such a request in writing to the City Secretary or designee. The City Secretary or designee shall obtain a date, time and place of the hearing before the City Council.

Section 7. Conduct of hearing.

When a hearing is before the City Council:

- A. The City Secretary or designee shall notify the applicable party of the date, time and place of the hearing. Such hearing shall not be held earlier than the 11th day after the date of the service of the notice.
- B. The City Council shall hear any case brought before it and shall determine whether the party is in violation of this Ordinance.

C. At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

D. Upon finding that such party is in violation of this Ordinance, the City Council shall order such party to remove and abate such nuisance within ten days. If the party fails and refuses to remove and abate such nuisance within the allotted time, the Council may order the City Secretary or designee to have the same removed from its location. If so ordered, the City Secretary or designee shall take possession of such nuisance and remove it from its location.

E. The relocation of a junked vehicle found to be a nuisance to another location in the City after the hearing before the City Council has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

F. If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include the vehicles:

1. Description;
2. Vehicle identification number; and
3. License plate number.

Section 8. Removal of junked motor vehicles.

A. If within ten days of receipt of notice from the City Secretary or designee, to abate or remove a nuisance, the owner or occupant of the premises gives his written permission to the City Secretary or designee for removal of the junked vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this Ordinance.

B. In no event shall a junked vehicle be made operable or reconstructed after removal.

C. The City Secretary or designee shall give notice to the Texas Department of Transportation of the removed vehicle not later than the fifth day after the date of removal.

Section 9. Junked vehicle disposal.

A. A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or another suitable site.

B. The City may operate a disposal site if the City Council determines that commercial disposition of junked vehicles is not available or is inadequate. The City may:

1. Make final disposition of a junked vehicle or vehicle part; or
2. Transfer the junked vehicle or part to another disposal site if the disposal is scrap or salvage only.

Section 10. Removal from unoccupied premises by order of City Council

If there is a junked vehicle on premises that are unoccupied and none of the parties listed in Section 5. A. 5. can be notified to remove and abate the nuisance, then, upon a showing of such facts to the City Council, the Mayor or Council may issue an order directing the City Secretary or designee to have the vehicle removed, and the City Secretary or designee shall take possession of the junked vehicle and remove it from the premises under the procedure provided for by this Ordinance.

Section 11. Authority to enforce provisions.

A. The City Secretary or designee has full responsibility for administration of this Ordinance by regularly salaried, full-time employees of the City, except that any authorized person may remove the nuisance.

B. The City Secretary or designee is authorized to enter private property to examine a nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

C. The City Secretary and the City Council in following the procedures provided in this Ordinance have the authority to issue all orders necessary to enforce such procedures.

D. Nothing in this Ordinance shall be construed to affect Ordinances or statutes that permit the immediate removal of a motor vehicle left on public property which constitutes an obstruction to traffic.

Section 12. Violation, Penalties

- A. It is unlawful for a person to maintain a public nuisance described in Section 3 above.
- B. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be subject to fine not to exceed \$200.00.
- C. Each transaction in violation of any provisions of this Ordinance shall be deemed a separate offense.
- D. Each day a public nuisance is allowed to continue after it has been duly determined to be such shall constitute a separate violation.

Sections 13-15. Reserved.

ARTICLE II.

Section 1. Savings and severability.

a. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinances are hereby expressly repealed to the extent of any such inconsistency or conflict.

b. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Coahoma hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.



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THE BANK OF AMERICA, N. A. is a member bank of the Federal Reserve System, and is authorized to receive deposits from individuals and corporations, and to make loans to individuals and corporations. The bank is also authorized to act as a clearing house for the collection and payment of checks and other negotiable instruments. The bank is a member of the New York Stock Exchange and the New York Board of Trade.

ATTEST:

By the Board of Directors:

W. A. RICHARDS, President
J. H. HARRIS, Vice President
J. H. HARRIS, Secretary
J. H. HARRIS, Treasurer
J. H. HARRIS, Assistant Secretary
J. H. HARRIS, Assistant Treasurer