

**Ordinance 34C-2021
Junk Vehicles**

COPY

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF JUNK VEHICLES; PROVIDING FOR THE ADOPTION OF ARTICLE 4014 CODE OF CRIMINAL PROCEDURE, CHAPTER 683 OF THE TEXAS TRANSPORTATION CODE, CHAPTER 54 OF THE LOCAL GOVERNMENT CODE, RESPONSIBILITIES FOR OWNER, OCCUPANT OR AGENT FOR THE ABATEMENT OF JUNK VEHICLES THE NUISANCE; PROVIDING FOR A DECLARATION OF PUBLIC NUISANCE; NOTICE REQUIREMENTS; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR PROCEDURES; PROVIDING FOR EXEMPTIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILLCREST VILLAGE, TEXAS DULY ASSEMBLED:

That the following rules and regulation shall apply to all persons, firms or corporation accumulating and storing abandoned, wrecked, or junked vehicles that create a hazard to the health safety, welfare, and general well-being of the citizens of Hillcrest Village, Texas.

SECTION I

It shall be unlawful to park, store, leave, or permit the parking, storing, leaving, or accumulating of any licensed or unlicensed motor vehicle of any kind, or part thereof, which is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any public or private property within the city limits of the City of Hillcrest Village, Texas for a period of time in excess of thirty (30) days, unless such vehicle or parts thereof are completely enclosed within a building.

DEFINITIONS

1. **Motor Vehicle** – means a motor vehicle subject to registration under the Certificate of Title Act (Article 6687 – 1, Vernon’s Texas Civil Statutes), except that for the purpose of Sections 5.02 and 5.04 of this Act, “Motor Vehicle” includes motorboat, outboard motor, or vessel subject to registration under the latest addition of Chapter 31, Texas Park and Wildlife Code.
2. **Abandoned Motor Vehicle** – means a motor vehicle that is inoperable and more than five years old and left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or a person in control of the property for more than 48 hours, or a motor vehicle left unattended on the right-of-way of a designated county, state, or federal highway within this state for more than 48 hours or for more than 12 hours on a turnpike project constructed and maintained by the Texas Turnpike Authority.

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3. **Junk vehicle** – means a motor vehicle or motor driven vehicle as defined in VCTA Transportation Code, Title 7, Chapter 683, Subchapter E, § 683.071,
 - a. that is inoperative,
 - b. and does not have lawfully affixed to it a valid Texas Vehicle Registration sticker, and that is wrecked, dismantled, partially dismantled or discarded,
 - c. and that remains inoperable for a continuous period of 72 consecutive hours, if the vehicle is on public property; or 30 consecutive days, if the vehicle is on private property.
4. **Antique Auto** – means a passenger car or truck that is at least 25 years old.
VCTA Transportation Code § 683.077 (b)1
5. **Special Interest Vehicle** – means a motor vehicle of any age that has not been altered or modified from original manufacturer’s specifications.
6. **Collector** – means 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 personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.
7. **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.

VCTA Texas Transportation Code § 683.072 or latest edition

SECTION II

JUNKED VEHICLE DECLARED TO BE PUBLIC NUISANCE

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

1. detrimental to the safety and welfare of the public; tends to reduce the value of private property; invites vandalism;
2. creates a fire hazard;

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3. is an attractive nuisance creating the hazards of the health and safety of minors;
4. or produces urban blight adverse to the maintenance and continuing development the City of Hillcrest Village.

VCTA Texas Transportation Code § 683.072 or latest edition

SECTION III

OFFENSE

- A. It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of any real property within the city to maintain a junked vehicle.
- B. It shall be the duty of any person, owner, agent, occupant or anyone having supervision or control of any real property within the city to remove or cause to be removed from said property any junked vehicle so as to comply with the provisions of this article.
- C. An offense under this section is a misdemeanor punishable by fine not to exceed \$200.
- D. The court shall order fines, abatement, and removal of the nuisance on conviction

VCTA Texas Transportation Code § 683.073 or latest edition

SECTION IV

NOTICE TO ABATE

- A. Whenever a public nuisance exists on private or public property or on the public right-of-way, the city shall notify the owner, if the owner is in possession of the property, or the occupant of the property, to abate or remove the nuisance.
- B. A notice issued under subsection A. must provide not less than 10 days' notice of the nature of the nuisance and must be sent by certified mail with a five-day return requested to:
 1. The last known registered owner of the nuisance;
 2. Each lien holder of record of the nuisance; and
 3. The owner or occupant of:

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- a. The property on which the nuisance is located; or
 - b. If the nuisance is located on public right-of-way, the property adjacent to the right-of-way.
- C. The notice must state:
- 1. The nuisance must be abated and removed not later than the 10th day after the date on which the notice was mailed; and
 - 2. Any request for a hearing must be made before that 10-day period expires.
- D. 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.
- E. 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.
- F. If the owner or the occupant of the property fails to either remove and abate the nuisance or to request a hearing within 10 days after service of the notice to abate the nuisance, then the city may cause the removal of the junked vehicle.

Texas Transportation Code § 683.075 or latest edition

SECTION V

PUBLIC HEARING

- A. The owner or occupant of the property on which a public nuisance exists may, within the 10-day period after service of the notice to abate the nuisance, request a hearing before the Building Standards Commission of Hillcrest Village. If a hearing is timely requested, the city shall not remove the junked vehicle until ordered by decision of the Commission.
- B. At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable. Upon finding that a public nuisance exists, the Commission shall order the owner or occupant of the property to remove and abate the nuisance within 10 days. If the owner or the occupant of the property fails or refuses within 10 days, to abate and remove the nuisance, the Commission may issue an order that the city shall take possession of the junked vehicle and remove it from the premises. The city shall dispose of the junked vehicle in a manner consistent with state law, and the vehicle shall not be reconstructed or made operable after removal. If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include the vehicle's:

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- (1) Description,
- (2) Vehicle identification number, and
- (3) License plate number.

C. Notice identifying the vehicle or part of a vehicle shall be given to the Texas Department of Transportation not later than the fifth day after the date of removal.

D. All costs for towing, storage, or disposal of the vehicle will be the responsibility of the owner of the vehicle.

VCTA Transportation Code § 683.076, § 683.0765 or latest edition

VCTA Transportation Code, Chapter 683, Subchapter D or latest edition

VCTA Texas Local Government Code Subchapter C § 54.033- 54.044 or latest edition

SECTION VI

PROCEDURES

A. Any representative authorized by the city to administer the provisions of this article may enter private property to examine a public nuisance to obtain information as to identify vehicles and owners thereof and to remove or direct the removal of the nuisance. Removal of a public nuisance may be by any person authorized by the city. The Building Standards Commission may issue orders necessary to enforce this ordinance.

B. The procedures may provide that the relocation of a junked vehicle that is a public nuisance to another location in the municipality 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.

VCTA Transportation Code § 683.076, § 683.0765 or latest edition

SECTION VII

EXEMPTIONS

This article shall not apply to a vehicle or part:

A. That is completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property;

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B. 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 outside storage area, if any, are:

- (a) maintained in an orderly manner;
- (b) not a health hazard; and
- (c) screened from ordinary public view by an approved fence under City of Hillcrest Consolidated Building and Standards Ordinance Code 3-2020 Sec. XIII.

VCTA Transportation Code § 683.077

**SECTION VIII
SAVINGS CLAUSE**

That the terms and provisions of this ordinance shall be deemed to be severable and that is if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

**SECTION IX
EFFECTIVE DATE**

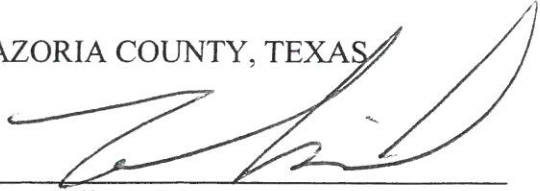
This ordinance shall become effective and in full force on the date it is approved and adopted by the City Council of the City of Hillcrest Village, Texas and signed by the City Council and the Mayor and attested to by the City Secretary.

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PASSED, APPROVED and ADOPTED this 14th day of June, 2021

CITY OF HILLCREST VILLAGE, BRAZORIA COUNTY, TEXAS



Tom Wilson, Mayor

ATTEST:



Rashelle Casas, City Secretary