

ORDINANCE NO. 159

AN ORDINANCE OF THE CITY OF WALLIS, AUSTIN COUNTY, TEXAS, MAKING IT UNLAWFUL TO LEAVE OR PERMIT TO REMAIN UPON ANY PRIVATE OR PUBLIC PROPERTY WITHIN THE CITY OF WALLIS, TEXAS, ANY JUNKED VEHICLE OR PORTIONS THEREOF, 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 WALLIS, TEXAS (EXCEPT AS PROVIDED HEREIN) TO BE UNLAWFUL AND ESTABLISHING PROCEDURES FOR ABATEMENT AND REMOVAL OF JUNKED VEHICLES OR PARTS THEREOF, PROVIDING THAT NOTICE BE GIVEN; PROVIDING A PENALTY; AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City Council of the City of Wallis finds a large number of junked vehicles, as that term is defined in the Texas Transportation Code, 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 residents, citizens and inhabitants; and

WHEREAS, junked vehicles and/or parts thereof, 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 Wallis, Texas;

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

Section 1. The City of Wallis shall institute health, sanitation and nuisances control by establishing the following junked motor vehicles policy and procedures:

**JUNKED MOTOR VEHICLES
POLICY AND PROCEDURES**

Sec 1. Junked vehicle declared to be public nuisance.

A junked vehicle, including any part of a junked vehicle, that is visible from a public place or public right-of-way, (1) is detrimental to the safety and welfare of the public; (2) tends to reduce the value of private property; (3) invites vandalism; (4) creates a fire hazard; (5) is an attractive nuisance creating a hazard to the health and safety of

residents, citizens and inhabitants; (6) produces urban blight adverse to the maintenance and continuing development of municipalities; and (7) is a public nuisance.

Sec. 2. Definition.

In this Ordinance, "junked vehicle" shall be defined as provided in Chapter 683 of the Texas Transportation Code, as now enacted or hereafter amended.

Sec. 3. Procedure to abate nuisance.

The city staff shall adopt procedures that conform to this Ordinance and state law for the abatement and removal of a junked vehicle or part(s) of a junked vehicle, as a public nuisance. A public nuisance shall be removed from private property, public property or a public right-of-way. Said procedures, including those regarding notices to registered owners, lienholders, the owner or occupant of any property where a junk motor vehicle is located, must comply with Chapter 683 of the Texas Transportation Code as it may be amended from time to time.

Sec. 4. Hearing.

The municipal court judge shall conduct hearings under the procedures adopted under this Ordinance and in accordance with procedures in Chapter 686 of the Transportation Code.

Sec. 5. Junked vehicle disposal.

A junked vehicle, including any part of a junked vehicle, may be removed to a scrap-yard, a motor vehicle demolisher, or to a suitable site operated by the city. If the owner of the junked vehicle has not received actual notice, the junked vehicle will not be demolished before 60 days has passed since the notice that is required by state law.

Sec. 6. Offense.

- (a) A person commits an offense if the person maintains a junked vehicle described by Section 2.
- (b) An offense under this Ordinance is a misdemeanor punishable by a fine not to exceed \$200.00.
- (c) The court shall order abatement and removal of the junked vehicle upon conviction.

Section 2. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 3. The City Secretary shall give notice of the enactment of this Ordinance by publishing it or its descriptive caption and penalty at least one time within ten (10) days after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED by the City Council of the City of Wallis, Austin County, Texas on this, the 20 day of April, 2005.


TONY SALAZAR, MAYOR

ATTEST:


D.J. Sommers, CITY SECRETARY

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