

ORDINANCE NO. 2024-09-03-8

AN ORDINANCE OF THE VILLAGE OF VINTON, TEXAS ADOPTING PROCEDURES FOR THE ABATEMENT AND REMOVAL FROM PRIVATE OR PUBLIC PROPERTY OR A PUBLIC RIGHT-OF-WAY OF A JUNKED VEHICLE OR PART OF A JUNKED VEHICLE AS A PUBLIC NUISANCE, PROVIDING FOR CRIMINAL PENALTIES AND AUTHORIZING ENTRY ONTO PRIVATE PREMISES.

WHEREAS, Subchapter E. of the Texas Transportation Code declares junked vehicles to be a public nuisance and makes it a crime (a misdemeanor punishable by a fine not to exceed \$200) for a person to maintain a junked vehicle that is visible at any time of the year from a public place or public right-of-way.

WHEREAS, Subchapter E. of the Texas Transportation Code authorizes the governing body of a municipality to adopt procedures that conform to that Subchapter for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle.

WHEREAS, in order to promote the public health, safety and welfare of the Village residents, the Village Council of the Village of Vinton, Texas, acting in accordance with the applicable provisions of the Subchapter E. Texas Transportation Code, is adopting the following procedures to abate and remove such junked vehicles or parts thereof from private property or public property within the Village of Vinton, Texas. The Village Council also reaffirms in this ordinance that maintaining a junked vehicle or a part thereof that is visible from a public place or public right right-of-way is a public nuisance and constitutes a criminal offense against the laws of the State of Texas (Sec. 683.073 Texas Transportation Code) and the Council also declares it to be a criminal violation of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VINTON, TEXAS as follows:

Sec. 1. Definition of Junked vehicle.

In this ordinance, “junked vehicle” has the meaning as prescribed in section 683.071 of the Texas Transportation Code.

Sec. 2. 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 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 minors;

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

Sec. 3. Criminal Offense.

(a) A person commits an offense if the person maintains a junked vehicle as defined in Section 683.071, Texas Transportation Code that is visible from a public place or public right-of-way, thus constituting a public nuisance.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.

(c) The Court shall order abatement and removal of the nuisance on conviction.

Sec. 4. Written Notice of a Pending Abatement and Removal Proceeding.

(a) Not less than a ten (10) day written notice specifying the nature of the nuisance under this Ordinance is required. The notice shall be personally delivered, sent by certified mail, five-day return requested, or delivered by the United States Postal Service with signature confirmation service. The ten (10) day notice must be sent 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:
 - a. the property on which the nuisance is located; or
 - b. If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (4) 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.
- (5) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh day after the date of the return.

(b) The notice shall state that:

- (1) The nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed; and
- (2) Any request for a hearing must be made before the ten-day period expires.

(3) The relocation of a junked vehicle that is a public nuisance to another location in the Village of Vinton 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.

Sec. 5. Right to Public Hearing if Requested.

(a) A public hearing is required upon the request of a person who receives notice under Section 4 of this Ordinance if the request is made not later than the date by which the nuisance must be abated and removed. The hearing shall be held in the municipal court.

(b) When a hearing is requested by a person for whom notice is required under Section 4, the hearing shall be held not earlier than the eleventh day after the date of the service of notice.

(c) At the hearing, the junked motor vehicle is presumed inoperative unless demonstrated otherwise by the owner to be operable.

(d) If the information is available at the location of the nuisance, an order requiring removal of the nuisance must include the vehicles:

(1) Description;

(2) Vehicle identification number; and

(3) License plate number; and

(4) If a watercraft, the watercraft's description and identification number as set forth in the watercraft's certificate of number.

Sec. 6. Vehicles not to be reconstructed or made operable.

No vehicle that has been removed under provisions of this ordinance shall be reconstructed or made operable.

Sec. 7. Notice to Texas Department of Transportation.

Within five (5) days after the date of removal, notice of same shall be given to the Texas Department of Transportation with sufficient information identifying the vehicle or part thereof. Said department shall forthwith cancel the certificate of title to such vehicle pursuant to the Texas Traffic Code 683.074(f), as amended.

Sec. 8. Limitations on Application of ordinance.

(a) This ordinance article shall not apply to a vehicle or vehicle part:

(1) that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(2) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or 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 outdoor storage area, if any, are:

a. maintained in an orderly manner;

b. not a health hazard; and

c. screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(b) In this section:

(1) "*Antique vehicle*" has the meaning as prescribed by section 683.077 of the Texas Transportation code.

(2) "*Motor vehicle collector*" has the meaning as prescribed by section 683.077 of the Texas Transportation code.

(3) "*Special interest vehicle*" has the meaning as prescribed by section 683.077 of the Texas Transportation code.

Sec. 9. Right of entry.

The Code Enforcement Officer of the Village of Vinton shall have authority to administer the provisions of this ordinance and may enter upon private property for the purposes specified in this ordinance to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance. Any authorized person may remove the nuisance. The Municipal Court shall have authority to issue all orders necessary to enforce this ordinance.

Sec. 10. Junked Vehicle Disposal.

A junked vehicle or parts thereof may be disposed of by removal to a scrap yard, demolisher or any suitable site operated by the Village for processing as scrap or salvage, provided the process is consistent with all sections of this ordinance. The Village may operate such disposal site if the Village Council determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the Village may transfer such vehicles or parts to another, provided that such disposal shall be only as scrap or salvage consistent with this ordinance.

Sec. 11. Interference with Impoundment Prohibited.

(a) A person commits an offense if the person knowingly interferes with the impoundment, abatement, or final disposition of property under this ordinance or under Chapter 683 of the Texas Transportation Code.

(b) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$500.00.

Sec. 12. Effect of ordinance on other laws.

(a) Nothing in this article shall affect statutes that permit immediate removal of a vehicle left on public property that constitutes an obstruction to traffic or that is in violation of other parking regulations.

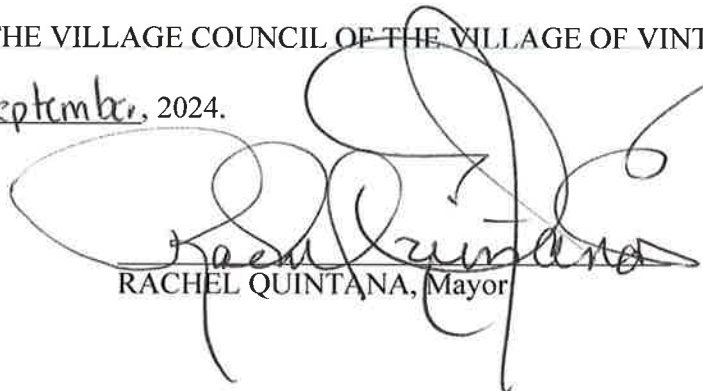
(b) This Ordinance is intended to supersede and replace Village of Vinton Ordinance 088-101, as amended, and any other Village ordinance in conflict herewith.

Sec. 13. Effective Date.

This ordinance shall take effect ten (10) days after publication.

PASSED AND APPROVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VINTON,

TEXAS ON THIS 3 day of September, 2024.



RACHEL QUINTANA, Mayor

ATTEST:



ANDREA N. CARRILLO, Village Administrator

APPROVED AS TO FORM



SHANE A. ENGLISH, Village Attorney

