

ORDINANCE NO. 132

An Ordinance of the City of Log Cabin, Texas creating individual ordinance for junk vehicles and removing it from Ordinance #65, defining junked vehicles, declaring same to be public nuisances with certain exceptions providing for abatement, providing for assessment of cost of abatement, and providing for the disposition of any junk motor vehicle impounded in accordance with the terms hereof, providing a severability clause, making this ordinance cumulative of all existing ordinances except those in conflict herewith, and providing a penalty and effective date.

Whereas, there are conditions existing within the City of Log Cabin caused by junk vehicles that is detrimental to the safety and welfare of the public, reduce the value of private property, reduces the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, produces urban blight adverse to the maintenance and continuing development of municipalities and is a public nuisance.

Whereas, protection of the public health, safety and welfare require that such conditions be abated.

Whereas, this ordinance modifies Ordinance #65 and all revisions of Ordinance #65.

The passing and approval of this Ordinance #132, removes reference of junk vehicle from Ordinance #65, any future revisions thereto.

Now, therefore, the City of Log Cabin, Texas does hereby ordain;

SECTION I. Definition and Applicability.

- (a) Junked vehicle means a vehicle that:
 - (1) is self-propelled; and
 - (2) is:
 - a. wrecked, dismantled or partially dismantled, or discarded; or
 - b. inoperable and has remained inoperable for more than:
 - i. 72 consecutive hours, if the vehicle is on public property; or
 - ii. 30 consecutive days, if the vehicle is on private property.
- (b) For the purpose of this ordinance "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This ordinance applies only to:
 - (1) a motor vehicle that displays an expired license plate or does not display a license plate;
 - (2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
 - (3) a watercraft that:
 - a. does not have lawfully on board an unexpired certificate of number; and
 - b. is not a watercraft with a valid marine document issued by the United States Coast Guard's National Vessel Documentation Center or a federal agency that is a successor to the National Vessel Documentation Center.
- (c) Chief of Police means the head of the City of Log Cabin Police Department or his authorized representative.
- (d) Director means the City Council of Log Cabin, Texas or their authorized representative(s).
- (e) Owner of motor vehicle, aircraft or watercraft means the last known registered owner.
- (f) City means the City of Log Cabin, Texas.
- (g) Possessor of the property means the owner or occupant of the property:

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- a. upon which a junk vehicle is located.
- b. adjacent to the public right-of-way upon which a junk vehicle is located.

SECTION II. Junk vehicles deemed public nuisances: Declared unlawful:

- (a) Any junk vehicle which is visible from a public place or a public right-of-way shall be deemed a public nuisance.
- (b) It shall be unlawful for any person to cause a junk vehicle to be located on public property or on the real property of another or to permit a junk vehicle to be located on real property under his control.

SECTION III. Order to abate nuisances:

- (a) Whenever a person, directly or indirectly, causes a junk vehicle to be located on public or private property within the City, The Chief of Police or the City Council's appointed representative shall order the possessor of the property to remove or abate the public nuisance.
 - a. Notice of Order:
 - i. The order shall be served upon the possessor of the property in writing by personal delivery by the Chief of Police or by sending the order by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:
 1. The last known registered owner of the nuisance;
 2. Each lienholder of record of the nuisance;
 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. The notice must state that:
 - a. The nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
 - b. Any request for a hearing must be made before that 10-day period expires.
 5. 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, personally delivered.
 6. 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.

SECTION IV. Request for a Hearing

- (a) Whenever a request for a hearing is made within the 10 day period, the Clerk of the Municipal Court shall set a date and time for such hearing to be held no earlier than the 11th day after the date of the service of notice and shall notify the respective parties.

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SECTION IV. Seizure of Junk Vehicle.

(a) If the owner of the junk vehicle(s) fail to act within 10 days after receiving proper notice of the order to abate by either requesting a hearing to abating and removing the public nuisance, the Chief of Police is authorized to take possession, remove and dispose of the junk vehicle in such a manner as the City Council may provide, consistent with State law, and such which shall not be reconstructed or made operable.

SECTION V. Abatement of Nuisance

(a) If the owner or occupant of the premises, or owner of the junk vehicle neglects or refuses to either file a request for hearing or to comply with the terms of the notice issued within 10 days, appropriate city officials shall abate the public nuisance by removing the junk vehicle(s) from its location(s) and impounding the same. All expenses incurred in the abatement of such nuisance(s) (Cost of towing, storage, demolition, any other associated fee's.) shall be charged to the owner or owners of the junk vehicle(s), payable to the City of Log Cabin.

SECTION VI. Penalty.

(a) The violation of any provision of this ordinance as to maintaining a junk vehicle as defined in this Ordinance in permitting or allowing such public nuisances to exist shall be punished by a fine not to exceed \$200.00, and each day the violation continues, shall be deemed a separate offense and punished as such.

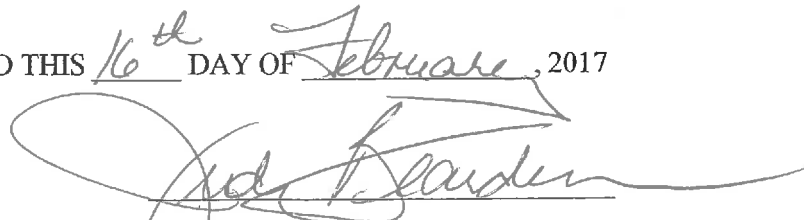
SECTION VII. Affirmative Defense

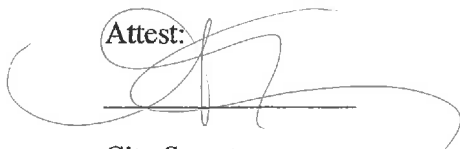
(a) Ordinance adopted my not apply to certain vehicles and storage locations as defined in V.T.C.A., Transportation Code § 683.071

SECTION VII. Effective Date.

(a) This Ordinance shall become effective and be in full force, as written, be it so ordained.

PASSED AND APPROVED THIS 16th DAY OF February, 2017


Mayer

Attest:


City Secretary

Court Clark

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State Law reference— Similar provisions, Transportation Code § 683.071