

ORDINANCE NO. 65-A

A revision to Ordinance #65 of the City of Log Cabin, Texas. Removing “junk vehicles”, defining abandoned 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 #65-A, 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. Definitions.

1. “Law enforcement agency” means:
 - a. the Department of Public Safety;
 - b. the Police Department of a municipality;
 - c. the Police Department of an institution of higher education; or
 - d. a Sheriff or Constable
2. “Motor vehicle” means a vehicle that is subject to registration under Chapter 501 of the Transportation Code.
3. “Watercraft” means a vessel subject to registration under Chapter 31, Parks and Wildlife Code.
4. “Outboard motor” means an outboard motor subject to registration under Chapter 501 of the Transportation Code.
5. “Garagekeeper” means an owner or operator of a storage facility.
6. “Aircraft” has the meaning assigned by Section 24.011 of the Transportation Code.
7. “Storage facility” Abandoned nuisance vehicle means a motor vehicle that is at least 10 years old and is of a condition only to be junked, crushed, or dismantled.
8. Chief of Police means the head of the City of Log Cabin Police Department or his authorized representative.
9. City means the City of Log Cabin, Texas.

SECTION II. Abandoned Motor Vehicle.

1. A motor vehicle is deemed to be abandoned and a nuisance if the motor vehicle:
 - a. is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
 - b. has remained illegally on public property for more than 48 hours;

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- c. has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
 - d. has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours.
2. This ordinance does not affect a law authorizing the immediate removal of a vehicle left on public property that is an obstruction to traffic.

SECTION III. Custody; notification and disposal of abandoned motor vehicles.

1. A law enforcement agency may take into custody an abandoned motor vehicle, aircraft, water craft, or outboard motor found to be on public or private property.
- a. The law enforcement agency taking the abandoned motor vehicle into custody shall send notice of abandonment to the last known registered owner and any lien holder recorded.
 - b. Notice shall be sent by certified mail not later than the 10th day of taking the motor vehicle into custody as prescribed by TC 683.012(b)

SECTION III. Fees recoverable.

1. A law enforcement agency or the agent of a law enforcement agency that takes into custody an abandoned motor vehicle, aircraft, watercraft or outboard motor is entitled to reasonable storage fees:
- a. for not more than 10 days, beginning on the day the item is taken into custody and ending on the day required notice is mailed; and
 - b. beginning on the day after the day the agency mails notice and ending on the day accrued charges are paid and the vehicle, aircraft, watercraft, or outboard motor is removed.

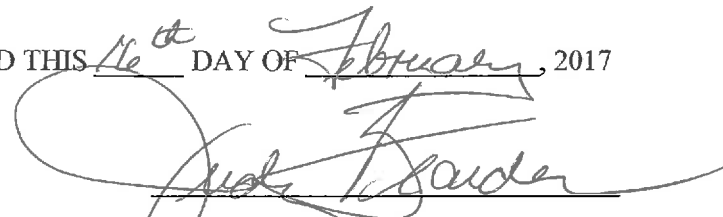
SECTION IV. Auction or Use of Abandoned Items; Waiver of Rights.

1. If an abandoned motor vehicle, aircraft, watercraft, or outboard motor is not claimed under Section 683.012 TC (20 days after notice.) the owner or lien holder waives all rights and interest in the item and consents to the sale or transfer of the item.

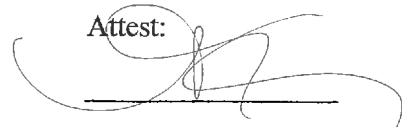
SECTION VII. Effective Date.

(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


Mayor

Attest:



-City Secretary



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State Law reference— Similar provisions, Transportation Code § 683.002

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