

ORDINANCE No. 187-84

AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES; DEFINING CERTAIN TERMS, DECLARING JUNKED VEHICLES A PUBLIC NUISANCE; RESTRICTING THE DISPOSITION OR KEEPING OF WRECKED, NON-OPERATING, OR DISCARDED VEHICLES ON STREETS OR PRIVATE PROPERTY; PROVIDING FOR ENFORCEMENT OF THE TERMS AND CONDITIONS HEREIN; PROVIDING FOR APPEAL; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AMENDMENTS TO SUCH ORDINANCES IN CONFLICT WITH THE TERMS AND CONDITIONS HEREIN; PROVIDING A SEVERABILITY CLAUSE AND NAMING AN EFFECTIVE DATE.

WHEREAS, in the City of Willow Park, Texas, vehicles are or may in the future be abandoned in the streets and other places within the City; and

WHEREAS, there are or may in the future be dismantled, partially dismantled wrecked, junked, non-operating or discarded vehicles left about the City other than in junk yards or other appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety and health hazards to children as well as adults; interfere with the comfort and wellbeing of the public; and create, extend, and aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety, and welfare requires that such conditions be regulated, abated, and prohibited;

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

ARTICLE I

SECTION 1-1. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- A. PERSON - shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- B. MOTOR VEHICLE - shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

- C. ABANDONED MOTOR VEHICLE - shall mean a motor vehicle that is inoperable and over eight years old and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours, or a motor vehicle left unattended on the right-of-way of any designated county, state or federal highway within this state in excess of 48 hours.
- D. JUNKED VEHICLE - shall mean any motor vehicle as defined in Section 1, Article 6701d-11, Vernon's Texas Civil Statutes, as amended, which:
 - (a) is inoperative and does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled, or discarded; or
 - (b) remains inoperable for a continuous period of more than 120 days.
- E. STREET OR HIGHWAY - shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the Public for purposes of vehicular travel.
- F. PROPERTY - shall mean any real property within the City which is not a street or highway.
- G. ANTIQUE AUTO - shall mean any passenger cars or trucks that were manufactured in 1925 or before, or which become 35 or more years old.
- H. SPECIAL INTEREST VEHICLE - shall mean a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of historic interest is being preserved by hobbyists.
- I. COLLECTOR - shall mean 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 his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

ARTICLE II

SECTION 2-1 JUNK VEHICLES DECLARED A PUBLIC NUISANCE

- A. Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic

welfare of the State, by producing urban blight which is adverse to the maintenance and continuing development of the municipalities on the state of Texas, and such vehicles are, therefore, declared to be a public nuisance.

- B. No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junked vehicles to remain on his property unless such vehicle shall be completely enclosed within a building in a lawful manner so that it is riot visible from the street or any other public or private property.

SECTION 2-2. ABANDONMENT OF VEHICLES

No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The provisions of this section do not apply to vehicles which have been abandoned so as to create a traffic hazard or that are abandoned in officially designated "No Parking" zones.

SECTION 2-3 LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the City.

ARTICLE III

SECTION 3-1 EXCEPTIONS

This ordinance shall not apply to vehicles or parts thereof which are stored or parked in a lawful manner on private property by a license vehicle dealer or a junk yard or to an unlicensed operable or inoperable antique or interest vehicle stored by a collector on his property provided that the vehicles and the outdoor areas are maintained in such manner that they do not constitute a health hazard and are concealed by fence, trees, rapidly growing shrubs or other appropriate means.

ARTICLE IV

SECTION 4-1 ENFORCEMENT

The City Marshal, or his designated representative, shall be responsible for enforcement of this ordinance. Persons believed to be violation of this ordinance shall be advised by certified letter that they are maintaining a nuisance and must abate the nuisance within ten (10) days. If those persons so desire a public hearing. This hearing may be heard by the City Council or any board, commission, or official of the City of Willow Park as designated by the City Council.

Upon a finding by the hearing board that the junked vehicle is a public nuisance, the owner of said property shall be given ten (10) days to remove the public nuisance. Thereafter a complaint alleging maintenance of a public nuisance shall be filed in the Municipal Court of the City of Willow Park. Upon a finding of guilty, the court shall order removal and abatement of nuisance. The Municipal court of the City of Willow Park shall have the authority to issue all orders necessary to enforce the removal of said junked vehicles or parts thereof.

SECTION 4-2 PENALTIES

In the event that the owner, lessee, tenant, or other person as advised does not request a public hearing concerning maintenance of a public nuisance and fails to comply with the notification by certified mail within the period specified, the city Marshal or his designated representative will file a complaint in Municipal Court against the owner, lessee, etc., for maintenance of a public nuisance. If the person is found guilty of maintaining a public nuisance as defined in Section 2-1. Of this ordinance, the person shall be punished by a fine not to exceed \$200.00 and the Municipal Court shall order removal and abatement of the nuisance.

SECTION 5-1 REPEALING CLAUSE

This ordinance repeals any other ordinances, parts of ordinances, or amendments thereto in conflict with the terms and conditions of this ordinance.

SECTION 5-2 SEVERABILITY

Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council, and each said provision would have been separately passed without any other provisions, and if any provision hereof should be ineffective, invalid, or unconstitutional for any cause, it shall not impair, nor affect the remaining portion nor any part thereof, but the valid portion shall be enforced just as if it had been passed alone.

SECTION 5-3 EFFECTIVE DATE

This ordinance shall be effective from and after its passage publication as required by law.

PRESENTED AND APPROVED this the 11th day of June, 1984, by a vote of 4 ayes and 0 nays, at a regular meeting of the City Council of the City of Willow Park.

APPROVED:

C. T. Frazier

C. TOM FRAZIER, Mayor Pro-Tem

ATTEST:

Bernadette Wright

Bernadette Wright, City Secretary
City of Willow Park