

ORDINANCE NO. 103

AN ORDINANCE CONTROLLING AND PROHIBITING THE STORAGE OF INOPERABLE MOTOR VEHICLES ON PROPERTY WITHIN THE CITY LIMITS OF UHLAND, TEXAS FIXING A PENALTY FOR THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE.

After investigating, public hearings, discussions and deliberations the City Council of the City of Umland, Texas, FINDS:

WHEREAS, that parking or storing inoperable motor vehicles as defined by the Texas Health & Safety Code, Section 365.011 subsections (2) and (4) is a danger, and a nuisance to the health, safety, and public welfare of citizens.

NOW THEREFORE:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS:

ARTICLE 1. JUNKED VEHICLES

Section 1.1 Definitions

Antique auto means a passenger car or truck that is at least 35 years old.

Collector means the owner of one or more antique or special vehicles who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

Junked vehicle means a vehicle that is self-propelled, inoperable and:

- (1) Does not have lawfully affixed to it either an unexpired license plate or valid motor vehicle safety inspection certificate;
- (2) Is wrecked, dismantled, partially dismantled or discarded; or
- (3) Has remained inoperable for more than 45 consecutive days.

Motor vehicle means a motor vehicle that is subject to registration under the State Certificate of Title Act, has the meaning assigned by Section 541.201, or the Texas Transportation Code, and shall include boats, barges, airboat, motorboat, or sailboat, used

for the transportation on water, as defined by the Texas Health & Safety Code, Section 365.011, subsection (2).

Nuisance vehicle is a vehicle that is a public nuisance under section 1.4

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer's specification and, because of its historic significance, is being preserved by a hobbyist.

Storage facility means a garage, parking lot or any type of facility or establishment for the servicing, repairing, storing or parking of motor vehicles.

Sec. 1.2 Enforcement.

Persons authorized under this section to administer the procedures set forth in this section may enter public or private property for the purpose specified in this section to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle and remove or cause the removal of a nuisance vehicle or vehicle part.

Sec. 1.3 Penalties.

- (a) Any person who maintains, allows, causes or permits a nuisance vehicle on public or private property commits a misdemeanor and upon conviction shall be subject to a fine not to exceed \$200.00 each day a violation continues constitutes a separate offense.
- (b) Upon conviction, the court may order the removal and abatement of the nuisance vehicle.

Sec. 1.4. Junked vehicles declared public nuisance.

A junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards and constitutes an attractive nuisance creating a hazard to the health and safety of minors and is detrimental to the economic welfare of the City by producing urban blight adverse to the maintenance and continuing development of the City and is a public nuisance.

Sec. 1.5. Junked vehicles prohibited on public property.

- (a) It is unlawful for a person to cause or permit a junked vehicle or part of a junked vehicle to be placed or to remain on any public property or public right-of-way.
- (b) A vehicle that remains in violation of this section for a period of more than 48 hours constitutes an abandoned vehicle and may be dealt with under

processes defined by Texas State law for removal of abandoned motor vehicles.

Sec 1.6 Nuisance vehicles prohibited on private property.

- (a) It is unlawful for a person that owns or controls any real property to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on the property.
- (b) It is unlawful for a person to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on real property without the permission of the owner of the property.

Sec. 1.7 Defense to prosecution.

The following are defenses to prosecution under section 1.6:

- (1) The vehicle or vehicle part is completely enclosed within a building and is not visible from the street or other private or public property;
- (2) The vehicle or vehicle part is stored or parked on private property in connection with the business of a licensed vehicle dealer or junk yard;
- (3) The vehicle is an unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, trees, shrubbery or other appropriate means;
- (4) The vehicle is completely covered by a heavy duty, contour-fitting cover so that no part of the vehicle except the tires is exposed to public view and it is the only one on the property; or
- (5) The vehicle is in an appropriate storage facility maintained by the City or approved by the City.

This section does not allow a person to leave a junked vehicle on private property without the permission of the owner of the property.

**ARTICLE 11
GENERAL PROVISIONS**

Sec. 2.1 Penalties.

- (a) Any person who maintains, allows, causes or permits a nuisance vehicle on public or private property commits a misdemeanor and upon conviction shall

be subject to a fine not to exceed \$200.00 each day a violation continues constitutes a separate offense.

- (b) Upon conviction, the court may order the removal and abatement of the nuisance vehicle.

Sec. 2.2 Severability.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid of the remaining portions of this ordinance or the application or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion be inoperative or fail by reason of any unconstitutionality, nullity or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Sec. 2.3 Effective date.

This Ordinance shall, upon final passage, be published in the official newspaper of the City, as required by law and shall become effective upon the date of last publication.

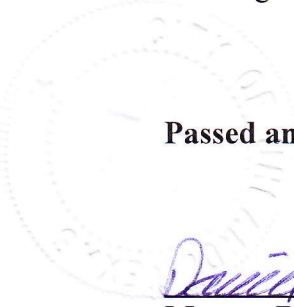
Sec. 2.4 Repeal Of Conflicting Ordinances.

All Ordinances and parts of ordinances in conflict herewith shall be and are hereby repealed as of the effective date of this ordinance; save and except that any such repealed ordinance or provision shall remain in full force and effect with respect of any other given complaint filed or charge levied prior to the effective date of this ordinance.

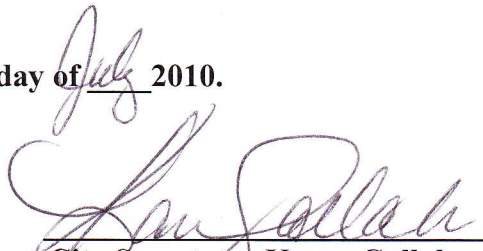
Sec. 2.5 Compliance with Open Meetings Act.

That it is hereby officially found and determined that the meeting which this Ordinance was passed was open to the public as required by law and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Passed and approved on this day 14 day of July 2010.



Mayor: Daniel Heideman


City Secretary: Karen Gallaher