

ORDINANCE NO. 149

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, PROVIDING FOR DEFINITIONS; PROVIDING FOR IMPOUNDMENT OF ABANDONED MOTOR VEHICLES; PROVIDING FOR NOTIFICATION TO OWNER AND LIENHOLDERS; PROVIDING FOR PUBLIC AUCTION OR DISPOSAL; DECLARING JUNKED VEHICLES A PUBLIC NUISANCE; REQUIRING A PUBLIC HEARING; PROVIDING THAT JUNKED VEHICLES BE NOT RECONSTRUCTED OR MADE OPERABLE; REQUIRING NOTICE TO TEXAS HIGHWAY DEPARTMENT; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADMINISTRATION BY CITY EMPLOYEES; AUTHORITY TO DISPOSE OF JUNKED VEHICLES AND ENFORCE ORDINANCE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. An abandoned motor vehicle is defined as a motor vehicle that is inoperable and over eight (8) years old and is left unattended on public property for more than forty-eight (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 forty-eight (48) hours. A junked vehicle means any motor vehicle as defined in Section 1 of Article 827a, Vernon's Texas Penal Code, as amended, which is inoperative and which 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.

SECTION 2. The Police Department is hereby authorized to take into custody any abandoned motor vehicle found on public or private property.

SECTION 3. Upon the impoundment of an abandoned motor vehicle under Section 2, the Police Department shall notify within ten (10) days thereof, by certified mail, return receipt requested, the last known registered owner and all lienholders of record shown on the certificate of title that the vehicle has been taken into custody. Such notice shall describe the year, make, model, and serial number of the vehicle; set forth the location where the vehicle is being held, inform the owner and/or lienholders of their right to reclaim the motor vehicle within twenty (20) days after the date of the notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody. The notice shall further state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the

vehicle and their consent to the sale of the abandoned vehicle at a public auction. In the alternative, if the owner or lienholder cannot be found or determined, such notice shall be published one time in the official newspaper of the City and the same time limits shall apply. Multiple listing of abandoned vehicles may be published in such notice.

SECTION 4. If the vehicle is not reclaimed as provided in Section 3, the Police Department shall sell the abandoned vehicle at a public auction. The purchaser thereof shall take claims of ownership, shall receive a sales receipt from the Police Department and shall be entitled to register the purchased vehicle and receive a certificate of title. The Police Department shall reimburse itself from the proceeds of the sale for the expenses of the auction, the cost of towing, preserving and storing the vehicle, together with all notice and publication costs incurred. Any excess remaining from the proceeds of such sale shall be held for the owner of the vehicle or the entitled lienholder for ninety (90) days, and then shall be deposited in a special fund of the City which shall remain available for the payment of future auction, towing, preserving, storage and all notice and publication costs, whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet such costs.

SECTION 5. Junked vehicles which are located in any place where they are visible from a public place or a public right-of-way, except as hereinafter provided, are declared to be public nuisances and shall not be maintained or permitted by any person, firm or corporation and the Police Department of the City of Addison is hereby authorized to abate such nuisances on the terms and conditions hereinafter provided.

SECTION 6. Upon complaint or upon its own initiative the Police Department may initiate appropriate official action to remove and abate a public nuisance in the nature of a junked vehicle and/or may institute appropriate criminal action in the Municipal Court. Upon the initiation of action, the owner or occupant of the premises whereupon the public nuisance exists shall be notified by certified mail with a five day return requested that the nuisance exists, that it must be removed and abated within ten (10) days of the receipt of such notice or that a request for a hearing must be made by said owner or occupant before the expiration of the ten (10) day period from the receipt of notice. Should the notice be returned undelivered by the Post Office, further official action to abate the nuisance shall be continued to a date not less than ten (10) days from the date of such return.

SECTION 7. Upon request by the owner or occupant of the premises, a public hearing shall be held before the Municipal Court of the City of Addison for determination of the existence of a junked vehicle as public nuisance and for the purpose of entering an order requiring the removal

of the same if found to be so. The Judge of the Municipal Court shall be the designated official to make such determination and upon the finding that the vehicle is a junked vehicle and constitutes a public nuisance, he shall enter an order requiring the removal of the vehicle or a part thereof and shall in such order describe the vehicle, including the correct identification number and license number.

SECTION 8. When the junked vehicle is declared a public nuisance by such official and is ordered to be removed, it shall not thereafter be reconstructed or made operable.

SECTION 9. Notice shall be given to the Texas Highway Department by the Addison Police Department within five (5) days after the date of the removal as ordered by the official. Such notice shall identify the vehicle or a part thereof which was removed.

SECTION 10. The provisions of this Ordinance shall not apply to a vehicle or a part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property nor shall it apply to a vehicle or a part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junk yard.

SECTION 11. The provisions of this Ordinance shall be carried out and enforced by regularly salaried, full time employees of the City, except that the removal of vehicles or parts thereof from property may be done by any other duly authorized person, including persons with whom the City may at the time of the passage of this Ordinance or hereinafter have a valid contract for the removal of such vehicles.

SECTION 12. Junked vehicles may be disposed of by removal to a scrap yard, demolishers or any other suitable site. Persons authorized under this Ordinance and by direction of the City Council may enter upon private property for the purposes specified in this Ordinance to examine vehicles or parts thereof, obtain information as to the identity of vehicles and remove or cause the removal of vehicles or parts thereof declared to be nuisance by the Judge of the Municipal Court.

SECTION 13. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to fine or not more than Two Hundred (\$200.00) Dollars for each offense and each day such violation shall continue shall constitute a separate offense.

SECTION 14. The fact that the City of Addison has no Ordinance regulating junked and abandoned vehicles creates an

urgency and an emergency in the preservation of the public health, safety and welfare and requires that this Ordinance take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED by the City Council of the City of Addison, Texas, on this 4 day of December, 1972.

APPROVED:

Milton L. Bell
MAYOR

DULY ENROLLED:

Charles Howard
CITY SECRETARY

APPROVED AS TO FORM:
