

ORDINANCE NO. 03-12-87

AN ORDINANCE RELATING TO ABANDONED MOTOR VEHICLES PROVIDING FOR THE ADOPTION OF V.A.T.S. ARTICLE 447-9A, ARTICLE V, ABANDONED MOTOR VEHICLES, PRESCRIBING PROCEDURE FOR ABATING NUISANCE, SPECIFICALLY REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF COOPER, TEXAS:

SECTION 1: ADOPTION OF V.A.C.S., ARTICLE 4477-9A, ARTICLE V.

Article V.A.C.S. is hereby in all things adopted and made a part of this ordinance the same as if set forth in full herein.

SECTION 2: PROCEDURE FOR ABATING NUISANCE.

SUBSECTION 2(a) - Adopting Procedures

In accordance with V.A.C.S., ARTICLE 4477-9A, ARTICLE V, SECTION 5.09, permitting cities within the State of Texas to adopt procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance, from private property, public property, or public rights of way the following procedure is hereby adopted.

SUBSECTION 2(b) - NUISANCE ON PRIVATE PROPERTY.

A notice of not less than 10 days be given stating the nature of the public nuisance on private property that it must be removed and abated within 10 days, and that a request for a hearing must be made before expiration of the 10 day period. The notice must be mailed, by certified mail with a 5 day return requested to the last known registered owner of the junked motor vehicle, any lien holder of record, and the owner or occupant of the private premises on which the public nuisance exist. If notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than 10 days after the return.

SUBSECTION 2(c) - NUISANCE ON PUBLIC PROPERTY.

A notice of not less than 10 days be given stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within 10 days, and that a request for a hearing must be made before expiration of the 10-day period. The notice must be mailed, by certified mail with a 5-day return requested, to the last known registered owner of the junked vehicle, any lien holder of record, and the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the notice is

returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than 10 days after the date of the return.

SUBSECTION 2(d) - PUBLIC HEARING.

A public hearing must be held before the removal of the vehicle or vehicle part as a public nuisance. The hearing shall be held before the governing body of the city, or official of the city, as designated by the governing body, if a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within 10 days after service of notice to abate the nuisance. A resolution or order requiring the removal of a vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.

SUBSECTION 2(e) - NOTICE TO DEPARTMENT OF STATE DEPARTMENT OF HIGHWAYS.

A notice must be given to the State Department of Highways and public transportation not later than the fifth day after the date of removal. The notice must identify the vehicle or vehicle part. The department shall immediately cancel the certificate of title to the vehicle pursuant to the certificate of title act (Article 6687-1) Vernon's Texas Civil Statutes.

SUBSECTION 2(f) - RECONSTRUCTED OR VEHICLE MADE OPERABLE.

It is hereby prohibited for a vehicle after it has been removed to be reconstructed or made operable.

SUBSECTION 2(g) - COMPLETELY ENCLOSED VEHICLES.

The procedures adopted herein do not apply to a vehicle or a vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the 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, rapidly growing trees, shrubbery, or other appropriate means.

SUBSECTION 2(h) - ADMINISTRATION OF PROCEDURES.

The procedure adopted herein must be administered by regularly salaried, full-time employees of the city, except that the removal of a vehicle or vehicle

part from property may be by any duly authorized person.

SECTION 3: All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

SECTION 4: If any section, sub-section, word, sentence, or phrase of this ordinance is declared to be invalid, it shall not effect the validity of this ordinance;

SECTION 5: Whereas, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, therefore, all rules and regulations providing for the reading of ordinances on more than one occasion be and the same are hereby suspended, and this ordinance is passed and shall take effect as an emergency measure, and shall be and remain in full force and effect as herein provided from and after its passage and approval.

PASSED AND APPROVED on this the 28th day of December, 1987.

ATTEST:

CITY OF COOPER, TEXAS.

Margaret Eudy
MARGARET EUDY, City Secretary

By: Richard Hulse
RICHARD HULSE, Mayor

(seal)

APPROVED AS TO FORM:

Edgar J. Garrett, Jr.
EDGAR J. GARRETT, JR.
City Attorney

I, MARGARET EUDY, City Secretary of the City of Cooper, Texas, do hereby certify that the above is a true and correct copy of an ordinance shown on Volume _____, Page _____ of the minutes of the City of Cooper, Texas, and that the same has not been repealed and is in full force and effect.

Margaret Eudy
MARGARET EUDY, City Secretary
City of Cooper, Texas

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 19____, to certify which witness my hand and seal of office.

(seal)

Notary Public, State of Texas