

CITY OF TRINITY

ORDINANCE NO. 26-0005 REVISION 1

THIS ORDINANCE IS AN AMENDMANT TO ORDINANCE 24-0004 OF THE CITY OF TRINITY, TEXAS, PROVIDING FOR THE ABATEMENT AND REMOVAL OF JUNKED VEHICLES AS A PUBLIC NUISANCE; ADOPTING PROCEDURES CONSISTENT WITH CHAPTER 683, TEXAS TRANSPORTATION CODE; PROVIDING FOR NOTICE, HEARINGS, REMOVAL, RECOVERY OF COSTS, PENALTIES, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS

The City Council of the City of Trinity finds that junked vehicles constitute a threat to the public health, safety, and welfare by creating fire hazards, attracting vermin, reducing surrounding property values, encouraging vandalism, creating attractive nuisances, and contributing to urban blight; and

WHEREAS, Chapter 683, Texas Transportation Code, authorizes municipalities to declare junked vehicles to be public nuisances and to adopt procedures for their abatement and removal; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Trinity to establish local procedures consistent with Chapter 683 for the abatement of junked vehicles.

SECTION 1.

PURPOSE

The purpose of this Ordinance is to promote the public health, safety, and welfare by providing procedures for identifying, declaring, and removing junked vehicles that constitute public nuisances within the City of Trinity.

This Ordinance is adopted pursuant to Chapter 683, Texas Transportation Code, and shall be interpreted in a manner consistent with all applicable state law.

SECTION 2.

AUTHORITY

This Ordinance is adopted under the authority granted by:

- Chapter 683, Texas Transportation Code.
- Chapter 54, Texas Local Government Code.
- Other applicable laws of the State of Texas.

Nothing contained in this Ordinance is intended to conflict with or supersede the requirements of Chapter 683, Texas Transportation Code.

SECTION 3.

DEFINITIONS

Unless otherwise provided herein, terms used in this Ordinance shall have the meanings assigned by Chapter 683, Texas Transportation Code.

Junked Vehicle

A junked vehicle means a self-propelled vehicle that:

- Is wrecked.
- Dismantled.
- Partially dismantled or discarded.
- Is inoperable and has remained inoperable:
 - a. for more than seventy-two (72) consecutive hours upon public property.
 - b. for more than thirty (30) consecutive days upon private property.

For purposes of this Ordinance, a junked vehicle includes a motor vehicle, aircraft, or watercraft as authorized by Chapter 683.

Owner

Any person having legal title to, possession of, or control over a junked vehicle or the property upon which the junked vehicle is located.

Public Right-of-Way

Any street, alley, roadway, easement, sidewalk, or other public property dedicated for public use.

Code Enforcement Officer

The Code Enforcement Officer of the City of Trinity or any person designated by the City Manager to administer and enforce this Ordinance.

SECTION 4.

JUNKED VEHICLES DECLARED A PUBLIC NUISANCE

A junked vehicle that is visible from a public place or public right-of-way is hereby declared to be a public nuisance.

Such vehicles are detrimental to the health, safety, and welfare of the public because they:

1. Create fire hazards.
2. Encourage vandalism.
3. Reduce surrounding property values.

4. Create attractive nuisances for children.
5. Provide harborage for rodents, insects, and other pests.
6. Contribute to neighborhood deterioration and urban blight.

The City may abate and remove such nuisances in accordance with this Ordinance and Chapter 683, Texas Transportation Code.

SECTION 5.

APPLICABILITY

This Ordinance applies to junked vehicles located upon:

1. Private property.
2. Public property.
3. Public streets.
4. Alleys.
5. Public rights-of-way.
6. Any other location within the corporate limits of the City where Chapter 683 authorizes municipal abatement.

SECTION 6.

EXEMPTIONS

This Ordinance shall not apply to:

1. A vehicle or vehicle part that is completely enclosed within a lawful building and is not visible from a public place or public right-of-way.
 2. Vehicles lawfully stored in connection with the business of a licensed motor vehicle dealer or licensed junkyard.
 3. Antique or special interest vehicles stored by a motor vehicle collector in accordance with Chapter 683, Texas Transportation Code, provided the vehicles and storage area are maintained in an orderly manner, do not create a health hazard, and are screened from ordinary public view.
 4. Any vehicle otherwise exempted under Chapter 683, Texas Transportation Code.
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SECTION 7.

ADMINISTRATION

The Code Enforcement Officer shall administer and enforce this Ordinance.

The Code Enforcement Officer may:

1. Inspect property where a junked vehicle is believed to exist.
2. Issue notices required by this Ordinance.
3. Conduct investigations.

4. Request assistance from the Police Department or other City departments.
 5. Utilize contractors or towing companies authorized by the City for vehicle removal.
 6. Perform all other duties authorized by this Ordinance and Chapter 683, Texas Transportation Code.
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SECTION 8.

INSPECTION AUTHORITY

Whenever the Code Enforcement Officer has reason to believe that a junked vehicle exists in violation of this Ordinance, the Officer may investigate the property to determine whether a public nuisance exists.

The Code Enforcement Officer may enter private property as authorized by Chapter 683, Texas Transportation Code, for the purpose of examining a suspected junked vehicle, obtaining identifying information, or directing its removal following compliance with this Ordinance.

Nothing in this section shall be construed to authorize entry into any enclosed structure without the consent of the owner, a lawful administrative inspection warrant, or other authority provided by law.

SECTION 9.

NOTICE OF PUBLIC NUISANCE

When the Code Enforcement Officer determines that a junked vehicle exists in violation of this Ordinance, notice shall be provided in accordance with Chapter 683, Texas Transportation Code.

The notice shall be provided to all persons entitled to receive notice under Chapter 683 and shall include, at a minimum:

1. A description sufficient to identify the junked vehicle.
2. The location of the junked vehicle.
3. A statement that the vehicle has been determined to constitute a public nuisance.
4. A statement that the nuisance must be abated within ten (10) days after delivery or mailing of the notice.
5. A statement that any person entitled to notice may request a public hearing before the expiration of the notice period.
6. A statement that failure to timely abate the nuisance or request a hearing may result in the removal and disposal of the junked vehicle by the City in accordance with this Ordinance and Chapter 683, Texas Transportation Code.

If mailed notice is returned undelivered, the City may proceed in the manner authorized by Chapter 683, Texas Transportation Code.

SECTION 10.

REQUEST FOR HEARING

Any person entitled to notice under this Ordinance may request a public hearing by filing a written request with the City Secretary before the expiration of the notice period.

A timely request for hearing shall stay the removal of the junked vehicle until a hearing has been conducted and a determination has been made, except where immediate action is otherwise authorized by law.

SECTION 11.

HEARING PROCEDURES

The hearing shall be conducted by the City Council or by a hearing officer, board, commission, or judge designated by the City Council.

At the hearing, all interested persons shall be afforded an opportunity to present evidence concerning whether the vehicle constitutes a junked vehicle and a public nuisance under this Ordinance and Chapter 683, Texas Transportation Code.

The hearing shall be conducted in accordance with applicable provisions of Chapter 683, Texas Transportation Code.

Following the hearing, the hearing authority shall issue a written decision affirming, modifying, or dismissing the proposed abatement.

SECTION 12.

ORDER OF ABATEMENT

If no hearing is requested within the time provided by this Ordinance, or if, following a hearing, the hearing authority determines that the vehicle constitutes a public nuisance, the Code Enforcement Officer may issue an Order of Abatement directing that the junked vehicle be removed.

The Order of Abatement shall identify the property, describe the junked vehicle, and authorize the City to remove the vehicle if it is not voluntarily removed within the time specified in the Order.

SECTION 13.

REMOVAL OF JUNKED VEHICLE

Upon expiration of the time provided in the Order of Abatement, the City may remove, or cause to be removed, the junked vehicle.

Removal may be performed by:

1. A licensed towing company.
2. A contractor acting on behalf of the City.
3. Any other person authorized by the City.

The City shall notify the appropriate state agency of the removal of the vehicle as required by Chapter 683, Texas Transportation Code.

Following removal, the vehicle shall be disposed of in accordance with Chapter 683 and other applicable provisions of Texas law.

SECTION 14.

RECOVERY OF COSTS

The owner of the property upon which the junked vehicle is located, and the owner of the junked vehicle, shall be responsible for all costs incurred by the City in the abatement of the public nuisance to the extent authorized by law.

Recoverable costs may include, but are not limited to:

1. Administrative expenses.
2. Costs of inspection and investigation.
3. Costs of providing notice.
4. Hearing expenses.
5. Towing and removal charges.
6. Storage charges.
7. Disposal expenses.
8. Any other costs authorized by Chapter 683, Texas Transportation Code, or other applicable law.

The City may recover such costs by any lawful means authorized by the laws of the State of Texas.

SECTION 15.

VIOLATIONS AND PENALTIES

A person commits an offense if the person maintains a junked vehicle declared to be a public nuisance under this Ordinance.

Any person found guilty of violating this Ordinance shall, upon conviction, be punished as provided by the general penalty provisions of the City Code and applicable state law.

Nothing contained herein shall prevent the City from pursuing any civil remedy, injunctive relief, or other enforcement action authorized by law.

SECTION 16.

DISPOSITION OF REMOVED VEHICLES

SECTION 17.

CONFLICT WITH OTHER LAWS

If any provision of this Ordinance conflicts with Chapter 683, Texas Transportation Code, or any other applicable law of the State of Texas, the applicable state law shall control.

This Ordinance shall be construed to be consistent with state law whenever reasonably possible.

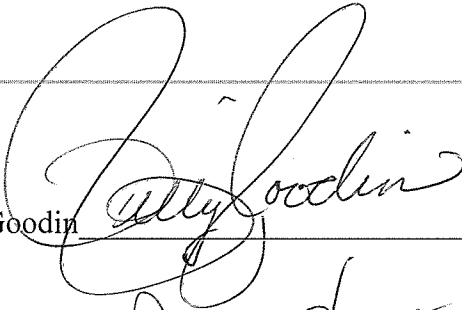
SECTION 18.

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Trinity, Texas, on this 9th day of July, 2026.

City of Trinity Mayor – Billy Goodin



Attest – City Manager – Tracy Hutto

