

ARTICLE 7.200. JUNKED VEHICLES

Sec. 7.201. Definitions.

Demolisher means any person whose business is to convert a motor vehicle into process scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

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

- (1) Does not have lawfully attached to it:
 - (A) An unexpired license plate; or
 - (B) A valid motor vehicle inspection certificate;
- (2) Is wrecked, dismantled or partially dismantled, or discarded; or
- (3) Is inoperable and has remained inoperable for more than:
 - (A) Seventy-two consecutive hours, if the vehicle is on public property; or
 - (B) Thirty consecutive days, if the vehicle is on private property.

CD7:4

Motor vehicle means any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act (Article 6687-1, V.T.C.S.).
(1980 Code, Ch. 9, § 8)

Sec. 7.202. Junked vehicle declared a public nuisance.

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 City of Trinity, by producing urban blight which is adverse to the maintenance and continuing development of the City of Trinity, and such vehicles are therefore declared to be a public nuisance and shall be abated in accordance with this section and Article 6687-9, V.T.C.S.

Sec. 7.203. Conditions, regulations, and procedures for removal and abatement.

Junked vehicles may be ordered to be removed and abated under the following conditions, regulations, and procedures:

- (1) When it shall come to the notice of the chief of police that there is a junked vehicle under the terms of this section located within the corporate limits of the City of Trinity, Texas, which is a public nuisance, the chief of police shall give notice to the owner or occupant of the premises upon which such junked vehicle is located, to appear before the municipal court and show cause why such junked vehicle should not be declared a public nuisance and why he should not be ordered to remove same from the premises. The date of such hearing shall not be less than ten days after such notice has been made.
- (2) Such notice shall be served personally or sent by certified or registered mail with a five-day return requested, to the owner or occupant of the premises upon which said junked vehicle is located. If the notice is returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than ten days from the date of such return.
- (3) On the day set in such notice for hearing, hearing shall be had, and on the basis of such hearing the court shall determine whether or not such junked vehicle is a nuisance, and if so found to be a nuisance, the judge of the municipal court shall issue such orders as shall appear necessary for the removal and abatement of such junked vehicle. Such order shall include a description of the vehicle and the correct identification number and a license number of the vehicle, if available at the site.
- (4) The owner or occupant of the premises upon which such junked vehicle is located, may appeal from the decision of the court by giving notice within ten days from the date of said hearing and file with the city administrator a fee of \$10.00. Such appeal shall be to the city council, and upon perfection of appeal, the city council shall set a date for hearing before it and such appeal shall be by trial de novo.

- (5) Upon removal of such junked vehicle as provided herein, such vehicle shall not be reconstructed or made operable.
- (6) Upon removal of such junked vehicle, the chief of police shall, within five days after the date of removal, give notice to the Texas Highway Department identifying said vehicle or part thereof. Whereupon said department shall forthwith cancel the certificate of title to such vehicle pursuant to Article 6687-1, V.T.C.S., as amended.

Sec. 7.204. Exceptions.

This article shall not apply to:

- (1) A vehicle or part thereof which is completely enclosed within a fence or building in a lawful manner where it is not visible from the street or other public or private property.
- (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer, a demolisher operating a licensed wrecking yard or a yard used for the purpose of temporarily storing vehicles ordered impounded or held by police authorities.

Sec. 7.205. Removal upon order.

If upon the hearing provided herein, there is an order to remove such junked vehicle, the removal may be accomplished by city employees, or any other duly authorized person.

Sec. 7.206. Disposal of junked vehicles.

Junked vehicles or parts thereof may be disposed of by removal to a scrap yard, demolishers, or any suitable site operated by the city for processing scrap or salvage or the city may transfer such vehicle or parts to another, provided such disposal shall be only as scrap or salvage, consistent with subsection 7.203(5) of this article.

Sec. 7.207. Authority to enforce.

The chief of police or his authorized representative may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article.

Sec. 7.208. Proceeds of sale.

If any junked vehicle is sold to a demolisher, the proceeds shall be used to reimburse the police department for the expense of removing the junked vehicle from the premises upon which it was located. Any remainder from the proceeds of a sale shall be held for the owner of the junked vehicle or entitled lien holder for 90 days, and then shall be deposited but remain

OFFENSES AND NUISANCES

§ 7.401

available for the payment of removal costs which result from removal of other junked vehicles, whenever the proceeds from a sale of such other junked vehicles are insufficient to meet these expenses and costs.

(1980 Code, Ch. 9, § 8)