

**City of Caney City  
Ordinance No. 2009-04  
Junked Vehicles**

**An Ordinance of the City of Caney City, Texas, establishing the requirements for the storage, removal, and disposal of Junked Vehicles and providing a penalty for violations of \$20 to \$500 per day.**

**NOW THEREFORE:**

**Be it ordained by the City Council of the City of Caney City, Texas:**

**Statutory reference:**

Authority to adopt procedures for abatement and removal of junked vehicles, see Texas Transportation Code 683.071.

**1. DEFINITIONS.**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DEMOLISHER.** Any person whose business is to convert the motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.

**JUNKED VEHICLES.** Means a vehicle that is self-propelled and inoperable and:

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

**POLICE DEPARTMENT.** The Police Department of the City.

**2. SCOPE OF PROVISIONS.**

It is not intended by this action to make these provisions pertain to abandoned motor vehicles as that term is defined by Texas Transportation Code 683.002.

**3. DECLARATION OF PUBLIC NUISANCE: CREATION AND MAINTENANCE PROHIBITED.**

A. 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 unattractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the state, by producing urban blight which is adverse to the maintenance and continuing development of the municipalities in the State of Texas, and such vehicles are therefore, declared to be a public nuisance.

B. It shall be unlawful for any individual, company or corporation to leave or permit to remain upon public or private property (except as hereinafter provided) within the city any junked vehicle or parts or portion thereof, for any period of time.

**Statutory reference:**

State law penalty, see Texas Transportation Code 683.073.

**4. NOTICE TO OWNER.**

Whenever it is brought to the attention of the Chief of Police that a nuisance, as defined herein, exists in the City, the Chief of Police shall give or cause to be given, in writing, a ten-day notice stating the nature of the public nuisance and that it must be removed and abated within ten days and that a request for a hearing must be made before the expiration of the ten-day period. The notice to be mailed, by certified or registered mail with a five-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 premises where upon such public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or if the last known owner is physically located, the notice may be hand delivered. 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 earlier than the eleventh day after the date of such return.

**5. PUBLIC HEARING PRIOR TO REMOVAL OF VEHICLE.**

A public hearing shall be had prior to the removal of the vehicle or the part thereof as a public nuisance. The same should be held before the Municipal Judge of the City when such hearing is requested by the owner or occupant of the premises on which the vehicle is located, not earlier than the eleventh day after service of notice to abate the nuisance. Any resolution or order requiring the removal of the vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site.

**6. ORDER TO REMOVE JUNKED VEHICLE.**

A. After the hearing is held by the Judge of the Municipal Court of the City as herein provided, if the Municipal Judge finds that such a nuisance as herein defined exists, he shall order the owner or occupant of the premises on which the vehicle is located to remove such junked vehicle within ten days after the order is given.

B. In the event owner or occupant of the premises does not request a hearing as hereinabove provided, the Municipal Court shall proceed to determine whether a violation of this chapter exists and if such violation is found to exist, the court shall issue an order to the owner or occupant in default requiring removal of such junked vehicle.

**7. FAILURE TO COMPLY WITH ORDER TO REMOVE.**

It shall be unlawful and a violation of this Ordinance for any such person to whom such order is given to fail or refuse to comply therewith and to remove such junked vehicle within the time provided by the order.

**8. REMOVAL OF VEHICLE BY CITY.**

Not earlier than eleven (11) days after an order requiring the removal of such junked vehicle has been served upon, or delivered to the owner or occupant of the premises on which the vehicle is located, the Chief of Police, his designee, or member of the Police Department acting under the direction of the Chief of Police, may, if the nuisance has not been abated, remove or cause to be removed the vehicle which was the subject of such notice to a suitable storage area designated by the City Council.

**9. REMOVED VEHICLES NOT TO BE MADE OPERABLE.**

After a vehicle has been removed in accordance with or under the terms and provisions of this Ordinance, it shall not be reconstructed or made operable.

**10. SALE OR DISPOSAL OF JUNKED VEHICLES: PROCEEDS FROM SALE.**

A. (1) It shall be the duty of the Chief of Police to dispose of any junked vehicle by removal to a scrap yard, or by sale to a demolisher for the highest bid or order received thereof, or to remove same to any suitable site for processing as scrap or salvage.

(2) If there is not a bid or offer for the junked vehicle the Chief of Police may dispose of same by causing it to be demolished or removed to a place provided by the City Council, or by permitting it to be removed by a demolisher who is willing to do so for the benefit of the junk or parts he can salvage.

B. Out of the proceeds of the sale, the Chief of Police shall pay for the cost of removal and storage.

**11. NOTICE TO HIGHWAY DEPARTMENT.**

Notice shall be given to the Texas Highway Department within five days after the date of removal identifying the vehicle or part thereof.

**12. EXEMPTIONS.**

A. This Ordinance shall not apply to:

1. A vehicle or 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; or

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 or junkyard, an antique or vehicle stored by a motor vehicle collector on the collector's property, providing the vehicle or parts and the outdoor storage area, are maintained in an orderly manner, not a health hazard, and are screened with a solid privacy fence so the vehicles or parts are not visible from the street or other public or private property.

B. For the purpose of this section, the following definitions shall apply.

**ANTIQUÉ VEHICLE:** A passenger car or truck that is at least 40 years old.

**MOTOR VEHICLE COLLECTOR:** A person who owns one or more antique vehicles, and collects or disposes of an antique vehicle or part of an antique vehicle for personal use to restore and preserve an antique vehicle for historic interest.

**13. ADMINISTRATION AND ENFORCEMENT.**

A. The administration of this Ordinance shall be by regularly salaried, full-time employees of the City except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

B. Wherever the Chief of Police is charged with the enforcement of this Ordinance, he or she may delegate the authority to any regular salaried employee of the Police Department.

C. A person authorized to administer the procedures of this Ordinance may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

**Statutory reference:**

Authority to enter property, see Texas Transportation Code 683.074(e).

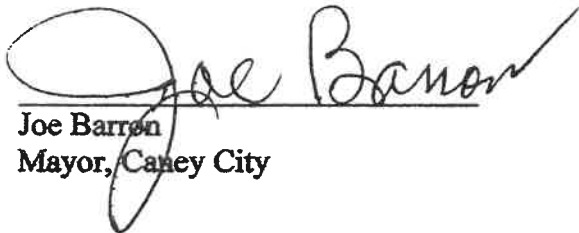
**14. PENALTY**

Any person who violates any provisions of this Ordinance shall be punished by a fine not less than twenty (\$20.00) dollars and not to exceed five hundred (\$500.00) dollars. Each day of non-compliance shall constitute a separate offense to be determined by the Municipal Court Judge or the appropriate authority.

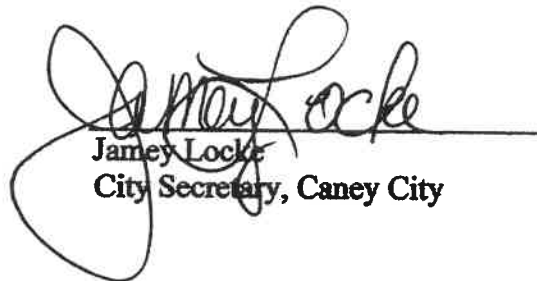
The City, by the adoption of this Ordinance, hereby repeals all prior Ordinances relating to Junked Vehicles.

PASSED AND APPROVED THIS THE 8 day of Oct, 2009.

**APPROVED:**

  
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Joe Barron  
Mayor, Caney City

**ATTEST:**

  
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Jamey Locke  
City Secretary, Caney City