

**TOWN OF CLINT**

**ORDINANCE 80**

**AN ORDINANCE DECLARING IT TO BE UNLAWFUL FOR A PERSON TO ALLOW A JUNKED VEHICLE OR PART OF A JUNKED VEHICLE TO BE LOCATED IN A PLACE, WHETHER PRIVATE PROPERTY, PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY, WHERE IT IS VISIBLE FROM A PUBLIC PLACE OR PUBLIC RIGHT-OF-WAY; DECLARING THE SAME TO BE A NUISANCE; PROVIDING FOR PENALTIES AND INJUNCTION; AND PROVIDING FOR SEVERABILITY.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINT, TEXAS:**

**SECTION A NUISANCE**

The Town Council finds that junked vehicles that are located in a place where they are visible from public place or public right-of-way are detrimental to the safety and welfare of the general public, tend to reduce the value of the private property, invite vandalism, create fire hazards, constitute an attractive nuisance creating a hazard to the health and safety of minors, and are, therefore, hereby declared to be public nuisances. It is hereby declared to be unlawful for any person to allow a junked vehicle, as defined herein, or part of a junked vehicle to be located in a place where it is visible from a public place or public right-of-way.

**SECTION B DEFINITIONS**

- (1) **"JUNKED VEHICLE"** means every self-propelled mechanical device, in, upon or by which any person or property is so may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, truck-tractors, trailer, and semi-trailers, but excepting devices moved by human power or used exclusively upon stationary rails or tracks, and which:
  - (a) is inoperative, does not have lawfully affixed to it both an unexpired license plate and a valid motor vehicle safety inspection certificate, and that is wrecked, dismantled, partially dismantled, or discarded; or
  - (b) remains inoperable for a continuous period of more than 120 days; and
- (2) **"DEMOLISHER"** means a person whose business it is to convert a motor vehicle into processed scrap metal or to otherwise wreck or dismantle a motor vehicle; and
- (3) **"ANTIQUE VEHICLE"** means a passenger car or truck that is at least 25 years old; and
- (4) **"SPECIAL INTEREST VEHICLE"** means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications, and, because of its historic interest, is being preserved by hobbyists; and
- (5) **"COLLECTOR"** means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

SECTION "C" ABATEMENT

- (1) The Town Clerk is authorized to notify the owner that the maintaining of a junked vehicle or junked vehicle part constitutes a nuisance. Notice to the owner of the existence of a nuisance shall be in accordance with the procedure set out in this ordinance.
- (2) For a nuisance that exists on private property the Town Clerk shall give not less than ten (10) days written notice stating the nature of the public nuisance on private property, that the junked vehicle or junked vehicle part must be removed within ten (10) days of receipt of the notice of the existence of the nuisance, and further stating that the owner may request a hearing before the Town Council and that the request for a hearing must be made before the expiration of ten (10) days after receipt of the notice. The notice must be mailed, by certified mail, with a five-day return requested, to the last known registered owner of the motor vehicle and all lien holders of record, and to the owner or occupant of the private premises 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 not be taken less than ten (10) days after the date of return.
- (3) For a nuisance existing on public property or on public right-of-way the Town Clerk shall give not less than ten (10) days written notice stating the nature of the public nuisance on public property, or on public right-of-way, that the junked vehicle or junked vehicle part must be removed within ten (10) days of receipt of the notice of the existence of the nuisance, and further stating that the owner may request a hearing before Town Council and that the request for a hearing must be made before the expiration of ten (10) days after receipt of the notice. The notice must be mailed, by certified mail, with a five-day return requested to the last known registered owner of the vehicle and all lien holders of record, and to 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 not be taken less than ten (10) days after the date of the return.
- (4) If any owner requests a hearing within ten (10) days of receipt of the notice of the existence of a nuisance as provided for herein, such request shall be forwarded to the Town Clerk who shall place the request on the agenda, and who shall give not less than ten (10) days notice to the owner requesting the public hearing of the date that the Town Council will hold a public hearing on the matter. Notice of the public hearing before Town Council shall be the same as provided for in subsections (2) and (3) of this section. Further, any notice sent in accordance with subsection (2) and (3) which is returned undelivered by the United States Post Office shall be forwarded to the Town Clerk who shall then publish notice at least once by publication in a newspaper of general circulation that the Town Council shall consider, not less than ten (10) days after the publication of notice in the newspaper, ordering the removal of any vehicle or vehicle part which is in violation of this ordinance.
- (5) Before Town Personnel or any other persons are authorized to remove a vehicle or vehicle part which is in violation of this ordinance, he shall first obtain from Town Council an order or resolution ordering the removal of the junked vehicle or junked vehicle part, which shall include a description of the vehicle or part and the correct identification and license number of the vehicle or vehicle part is located.

**Ordinance 80  
Junk Cars (3)**

- (6) A junked vehicle or vehicle part may be disposed of by removal to a scrap yard, demolisher, or any suitable site; however, it shall be unlawful for any person to reconstruct or make operable any junked vehicle after it has been removed.
- (7) Not later than the fifth day after the removal of a junked vehicle or junked vehicle part, the Town shall notify the State Department of Highways and Public Transportation of the removal of the junked vehicle or junked vehicle part, so that the Department may cancel the certificate of title. The notice must identify the vehicle or vehicle part.

**SECTION "D" EXCEPTIONS**

**This Ordinance shall not apply to:**

- (1) a vehicle or 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, or
- (2) 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
- (3) 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.

**SECTION "E" AUTHORITY TO ENFORCE**

The procedures provided for in this ordinance must be administered by employees of the Town, except that the removal of a vehicle or vehicle part from property may be by any duly authorized person. A person authorized by the Town to administer the procedures of this ordinance may enter private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance.

**SECTION "F" ENFORCEMENT**

If the nuisance is not removed and abated by the owner, and the owner has not requested a public hearing within the ten-day period provided for herein, the Mayor, Town Clerk or his designate shall file a complaint concerning the public nuisance in an appropriate court. The court may issue any orders necessary to enforce the procedures provided for herein. Any order issued by the court requiring removal of a vehicle or vehicle part and the correct identification number and license number of the vehicle, if the information is available at the site where the vehicle is located.

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**SECTION "G" PENALTIES**

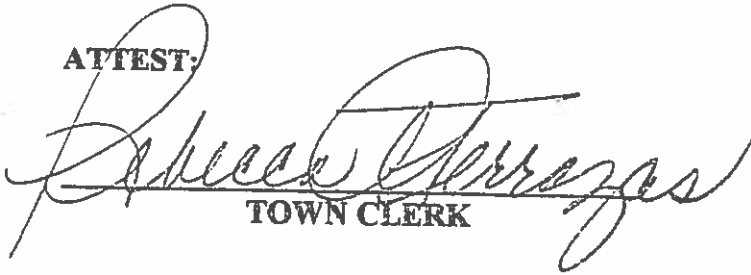
Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and fined not more than five hundred dollars (\$500.00). Each day such violation shall be permitted to exist shall constitute a separate offense. The owner of the vehicle or vehicle part thereof, where anything in violation of this ordinance shall be placed or shall exist shall be guilty, and upon conviction shall be subject to the penalties herein provided.

PASSED AND APPROVED ON THIS THE 26th DAY OF July 1995



**G. MICHAEL GOODWIN  
MAYOR, TOWN OF CLINT**

**ATTEST:**



**TOWN CLERK**

**RE: VIOLATION OF JUNK CAR ORDINANCE #80**

The Town Council finds that junked vehicles that are located in a place where they are visible from public place or public right-of-way are detrimental to the safety and welfare of the general public, tend to reduce the safety and welfare of the general public, tend to reduce the value of the private property, invite vandalism, create fire hazards, constitute an attractive nuisance creating a hazard to the health and safety of minors, and are, therefore, hereby declared to be public nuisances. It is hereby declared to be unlawful for any person to allow a junked vehicle, as defined herein, or part of a junked vehicle to be located in a place where it is visible from a public place or public right-of-way.

You are hereby notified that you have ten (10) days of receipt of this notice to remove the junked vehicle/junked vehicle part(s) from the view of the public.

You have the right to request a hearing before the Town Council. The request for a hearing must be made before the expiration of ten (10) days after receipt of the notice.

Failure to comply with Ordinance #80 is guilty of a misdemeanor and fined not more than five hundred dollars (\$500.00). Each day such violation shall be permitted to exist shall constitute a separate offense.

If more information is needed, please feel free to call me at (915) 851-3146.

Yours very truly,

**REBECCA A. TERRAZAS  
TOWN CLERK**

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