

ORDINANCE NO. 82-102

AN ORDINANCE REGULATING AND PROHIBITING THE ABANDONMENT OF INOPERABLE, UNREGISTERED OR UNINSPECTED MOTOR VEHICLES; NOTICE TO ABATE; DISPOSAL; ENFORCEMENT OF PROVISIONS; AND PROVIDE A PENALTY NOT EXCEEDING \$200.00 FOR ARREST AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the need for governing abandonment of inoperable, unregistered or uninspected vehicles in the City of Tom Bean, Grayson County, Texas, exists, and,

WHEREAS, the City of Tom Bean, Texas, after due study is desirous of implementing such need, and

WHEREAS, it is in the interest of public safety and public health and a nuisance for inoperable, unregistered or uninspected motor vehicles to be abandoned or parked for a period of longer than thirty (30) days, on tracts or lots of land in the City of Tom Bean, Grayson County, Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, GRAYSON COUNTY, TEXAS:

SECTION 1. That from and after the date of the passage of this ordinance, it shall be unlawful and a nuisance for any person to abandon, leave or park, for a period longer than thirty (30) days on any lot or tract of land in the City of Tom Bean any motor vehicle or part thereof which is in a condition such as to make it incapable of being driven or legally operated upon the public streets of the City of Tom Bean or which is not duly registered or state inspected.

SECTION 1(a). It is provided that not less than a ten (10) day notice, stating the nature of the public nuisance and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of said ten (10) day period, such notice to be mailed, by certified or registered mail with a five (5) day return requested, to the owner or the occupant of the premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

SECTION 1(b). It is provided that a public hearing prior to the removal of the vehicle or part thereof as a public nuisance, to be held before the municipal court, when such a hearing is requested by the owner or occupant of the premises on which said vehicle is located, within the ten (10) days after service of notice to abate the nuisance. Any resolution or order requiring the removal of a 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.

SECTION 1(c). It is provided that after a vehicle has been removed, it shall not be reconstructed or made oepable.

SECTION 1(d). It is provided that notice be given to the Texas Highway Department within five (5) days after the date of removal identifying the vehicle or part thereof. Said Department shall forthwith cancel the certificate of title to such vehicle pursuant to Article 1436-1, Vernon's Texas Penal Code, as amended.

SECTION 1(e). It is provided that the 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 a junkyard.

SECTION 1(f). It is provided that for administration of the ordinance by regularly salaried, full time employees of the City of Tom Bean, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

SECTION 2. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any suitable site operated by the City of Tom Bean for processing as scrap or salvage, which process shall be consistent with all other applicable ordinances of the City of Tom Bean, and all applicable statutes of the State of Texas and the United States of America. The City of Tom Bean may operate such a disposal site when the City Council of the City of Tom Bean determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the City may transfer such vehicles or parts to another, provided such disposal shall be only as scrap or salvage, consistent with all other applicable ordinances of the City of Tom Bean, and all applicable statutes of the State of Texas and the United States of America.

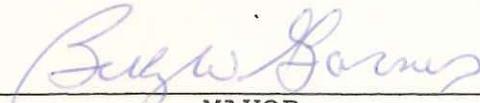
SECTION 3. Any person authorized by the City to administer the provisions of an ordinance of the type authorized by this Article may enter upon private property for the purposes specified in the ordinance to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the ordinance. The Municipal Court of the City of Tom Bean shall have authority to issue all orders necessary to enforce such ordinance.

SECTION 4. Penalties. In addition to any of the foregoing, any person who violates any part of the hereto ordinance shall be subject to a fine of not more than \$200.00 for violating any of the provisions hereof, and each day such vehicle is left abandoned inoperable, unregistered or uninspected after the thirty (30) day period shall constitute a separate violation.

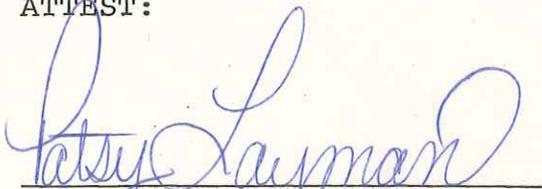
SECTION 5. Separability of Provisions. It is the intention of the City Council of Tom Bean, Texas, that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that, if any provisions of this ordinance is declared invalid or unconstitutional, all other provisions thereof shall remain valid, enforceable and constitutional.

SECTION 6. Repeal of Conflicting Ordinances. All existing ordinances of the City of Tom Bean, Texas, are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

PASSED and APPROVED this 12TH day of July, A.D. 1982.


MAYOR

ATTEST:


CITY SECRETARY