

ORDINANCE NO. 2023-09-25-D

AN ORDINANCE OF THE CITY OF RANGER, TEXAS REPEALING AND REPLACING ORDINANCE NO. 120803-1; ADOPTING REGULATIONS CONCERNING JUNKED VEHICLES WITHIN THE CITY; PROVIDING FOR NOTICE AND ABATEMENT; PROVIDING PROVISIONS REGARDING ABANDONED MOTOR VEHICLES; PROVIDING FOR ABATEMENT BY OWNER OR CITY; PROVIDING A PENALTY; PROVIDING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ranger (the "City") is a home rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City Commission of the City of Ranger (the "City Commission") finds that junked vehicles that are visible from a public place or public right-of-way are detrimental to the safety and welfare of the public, tend to reduce the value of private property, invite vandalism, create fire hazards, are attractive nuisances creating hazards to the health and safety of minors, produce urban blight adverse to the maintenance and continued development of the City, and are public nuisances;

WHEREAS, Section 683.074 of the Texas Transportation Code allow a municipality to adopt procedures that conform with Subchapter E of Chapter 683 of the Texas Transportation Code "for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance";

WHEREAS, pursuant to this authority, the City Commission adopted Ordinance No. 120803-1 on December 22, 2007 to regulate junked vehicles but the City Commission finds that such ordinance should be repealed and replaced with stronger and clearer language allowing the City to properly enforce against and abate junked vehicles;

WHEREAS, since Subchapters A – D of Chapter 683 of the Texas Transportation Code govern the removal and storage of abandoned motor vehicles by peace officers, the City Commission finds that the City's ordinance need not contain regulations of abandoned motor vehicles as defined by Chapter 683; and

WHEREAS, the City Commission finds that regulating and controlling junked vehicles within the City is in the best interest of the citizens of the City as such regulation prevents public nuisances and, as such, preserves and protects the public health and safety and preserves property values.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.

Section 2. Definitions. The words and phrases contained herein shall have the following meanings ascribed to them unless the context clearly states otherwise:

- (a) **Abandoned Motor Vehicle.** A motor vehicle that
 - (1) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
 - (2) Has remained illegally on public property for more than 48 hours; or
 - (3) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours.
- (b) **Antique Vehicle.** A passenger car or truck that is at least 25 years old.
- (c) **Code Enforcement Official.** A full-time employee of the City appointed by the City Commission to enforce violations of this Ordinance.
- (d) **Junked Vehicle.** A self-propelled motor vehicle that displays an expired license plate or does not display a license plate and is:
 - (1) Wrecked, dismantled or partially dismantled, or discarded; or
 - (2) Inoperable and has remained inoperable for more than:
 - (A) 72 consecutive hours, if the vehicle is on public property; or
 - (B) 30 consecutive days, if the vehicle is on private property.

The term "junked vehicle" includes a part or parts of a junked vehicle.

- (e) **Motor Vehicle Collector.** A person who
 - (1) Owns one or more antique or special interest vehicles; and
 - (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.
- (f) **Special Interest Vehicle.** A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Section 3. Abandoned Motor Vehicle. The City shall comply with Chapter 683 of the Texas Transportation Code, as amended, regarding the removal, storage, and disposal of abandoned motor vehicles as that term is defined herein.

Section 4. Offense.

- (a) A person commits an offense if the person maintains a junked vehicle.
- (b) An offense under this Section is a misdemeanor punishable by a fine not to exceed \$200.00, pursuant to Transportation Code Sec. 683.073(b).
- (c) The Ranger Municipal Court shall order abatement and removal of the nuisance after conviction under this Section.

Section 5. Authority; Procedures.

(a) The City shall abate and remove from private property or a public right-of-way a junked vehicle as a public nuisance in accordance with the definitions, provisions, and procedures contained in this Ordinance.

(a) The Code Enforcement Official is hereby authorized to enforce the provisions of, and to administer the procedures established in, this Ordinance. The Code Enforcement Official are hereby authorized to enter private property to examine a junked vehicle, to obtain information to identify the junked vehicle, and to remove or direct the removal of the junked vehicle.

(c) The Ranger Municipal Court may issue necessary orders to enforce these procedures.

Section 6. Notice.

(a) After determining that a junked vehicle exists on private property or a public right-of-way in violation of this Ordinance, the Code Enforcement Official shall send a notice to abate by certified mail, return receipt requested to:

(1) The last known registered owner of the junked vehicle;

(2) Each lienholder of record of the junked vehicle; and

(3) The owner or occupant of the property on which the junked vehicle is located, or, if the junked vehicle is located on a public right-of-way, the owner or occupant of the property adjacent to the right-of-way.

(b) The notice must state that:

- (1) The junked vehicle must be abated and removed by the person receiving the notice not later than the 10th day after the date on which the notice was mailed;
 - (2) The person receiving the notice may request a hearing before the 10-day period expires; and
 - (3) If the junked vehicle is not removed within that 10-day period and a hearing is not requested by the person receiving the notice, the City will proceed in removing the junked vehicle.
- (c) If the post office address of the last known registered owner of the junked vehicle is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered.
- (d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

Section 7. Hearing; Order.

- (a) The Judge of the Ranger Municipal Court is hereby designated as the official to conduct hearings according to the procedures adopted in this Ordinance.
- (b) If a hearing is requested by a person to whom notice is required to be sent under Section 6(a), the hearing shall be held not earlier than the 11th day after the date of the service of the notice.
- (c) At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (d) If the Judge determines that the vehicle or vehicle part in question is a junked vehicle, the Judge shall order that the vehicle be removed by the owner within ten (10) days. If the information is available at the location of the vehicle, the order shall also include the vehicle's description, vehicle identification number, and license plate number.
- (e) If the Judge determines that the vehicle or vehicle part in question is not a junked vehicle, the proceeding shall be dismissed.
- (f) If a person to whom notice is sent under Section 6(a) does not request a hearing within the time frame specified in Section 6(b)(2), the Code Enforcement Official may apply to the Judge for an order described in Section 7(d) allowing the City to remove the junked vehicle without the necessity of holding a hearing.

Section 8. Abatement by City.

If the owner of a junked vehicle does not comply with an order described by Section 7(d) within the time frame stated in the order or if the Code Enforcement Official obtains an

order under Section 7(f), the Code Enforcement Official may take action to abate and remove the nuisance.

Section 9. Junked Vehicle Disposal.

(a) A junked vehicle may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by the City.

(b) The City may operate a disposal if the City Commission determines that commercial disposition of junked vehicles is not available or is inadequate. The City may finally dispose of a junked vehicle or transfer it to another disposal site if the disposal is scrap or salvage only.

Section 10. Relocation or Reconstruction of Vehicle.

(a) Relocation of a junked vehicle to another location in the City by the owner or another person after a notice under Section 6 has been sent does not stop or delay enforcement of this Ordinance if the junked vehicle constitutes a nuisance at the new location.

(b) After a junked vehicle has been removed by the owner or another person subject to an order described by Section 7(d), the owner or other person shall not reconstruct the vehicle or make it operable.

Section 11. Notice to Department of Transportation.

The Code Enforcement Official shall give notice of the removal of the junked vehicle to the Texas Department of Transportation identifying the junked vehicle within five (5) days after the date of removal.

Section 12. Inapplicability.

This Ordinance does not apply to a vehicle or vehicle part:

(a) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(b) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle part and the outdoor storage area, if any, are:

(1) Maintained in an orderly manner;

(2) Not a health hazard; and

(3) Screened from ordinary public view by appropriate means, including a fence or rapidly growing trees or shrubbery.

Section 13. Repeal. Ordinance No. 120803-1, adopted on December 22, 2003, is hereby repealed. All other ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict only.

Section 14. Severability. It is hereby declared to be the intention of the City Commission that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, Paragraphs and section of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 15. Effective Date. This Ordinance shall take effect immediately upon its approval and passage and after publication as required by law.

Section 16. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED ON FIRST READING on this 11th day of September, 2023.


PASSED, APPROVED, AND ADOPTED ON SECOND READING on this the 25th day of September, 2023.

ATTEST:



Somer Lee, City Secretary

THE CITY OF RANGER, TEXAS



Terry Robinson, Mayor

