

ORDINANCE 05-08

AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES DEFINING CERTAIN TERMS, CLEARING JUNKED VEHICLES A PUBLIC NUISANCE; RESTRICTING THE DISPOSITION OR KEEPING OF WRECKED, NON-OPERATING, OR DISCARDED VEHICLES ON STREETS OR PRIVATE PROPERTY; PROVIDING FOR ENFORCEMENT OF THE TERMS AND CONDITIONS HEREIN; PROVIDING FOR APPEAL; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AMENDMENTS TO SUCH ORDINANCES IN CONFLICT WITH THE TERMS AND CONDITIONS HEREIN; PROVIDING A SEVERABILITY CLAUSE; AND NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARFA, TEXAS:

I.

A. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement this ordinance:

1. **PERSON** – any person, firm, partnership, association, corporation, company, or organization of any kind.
2. **MOTOR VEHICLE**- any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.
3. **ABANDONED MOTOR VEHICLE**-a motor vehicle that is inoperable and over eight years old and is left unattended on public property for more than 72 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 72 hours, or a motor vehicle left unattended on the right-of-way of any designated county, city, state or federal highway within this state in excess of 72 hours.
4. **JUNKED VEHICLE**- any motor vehicle as defined in Section 683.071 In this subchapter, “junked vehicle” means a vehicle that is self-propelled and:
 - (1) does not have lawfully attached to it:
 - (A) an unexpired licenses plate; or
 - (B) a valid motor vehicle inspection certificate; and is
 - (2) is:
 - (A) wrecked, dismantled or partially dismantled, or

or discarded; or
(B) inoperable and has remained inoperable for more than:

- (i) 72 consecutive hours, if the vehicle is on public property; or
- (ii) ~~30 consecutive days, if the vehicle is on private property~~

- 5. **STREET OR HIGHWAY**- the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- 6. **PROPERTY**- any real property within the City which is not street or highway
- 7. **ANTIQUE AUTO** – any passenger cars or trucks that were manufactured in 1925 or before, or which become 35 or more years old.
- 8. **SPECIAL INTEREST VEHICLE**- a motor vehicle of any age, which has not been altered or modified from original manufacturer's specifications and because of historic interest, is being preserved by hobbyists.
- 9. **COLLECTOR**- 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 his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

II.

A. JUNKED VEHICLES 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 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.

No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junked vehicles to remain on his property unless such vehicle shall be

completely enclosed within a building in a lawful manner so that it is not visible from the street or any other public or private property.

B. ABANDONMENT OF VEHICLES

No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The provisions of this section do not apply to vehicles which have been abandoned so as to create a traffic hazard or that are abandoned in officially designated "No Parking" zones.

C. LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the City.

III.

A. EXCEPTIONS

This ordinance shall not apply to vehicles or parts thereof which are stored or parked in a lawful manner on private property by a licensed vehicle dealer or a junk yard or to an unlicensed operable or inoperable antique or special interest vehicle stored by a collector on his property that the vehicles and the outdoor storage areas are maintained in such manner that they do not constitute a health hazard and are concealed by fence, trees, rapidly growing shrubs or other appropriate means.

IV.

A. ENFORCEMENT

The Chief of Police, or his designated representative, shall be responsible for enforcement of this ordinance. Persons believed to be in violation of this ordinance shall be advised by certified letter that they are maintaining a public nuisance and must abate the nuisance within ten (10) days. If those persons so desire a public hearing, this hearing may be heard by the City Council or any board, commission, or official of the City of Marfa as designated by the City Council.

Upon a finding by the hearing board that the junked vehicle is a public nuisance, the owner of said property shall be given ten(10) days to remove the public nuisance. Thereafter a complaint alleging maintenance of a public nuisance shall be filed in the Municipal Court of the City of Marfa shall have

the authority to issue all orders necessary to enforce the removal of said junked vehicles or parts thereof.

V.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

VI.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

VII.

Whenever in this Ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall, upon conviction, be fined in any sum of money not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas.

VIII.

This ordinance shall be in full force and effect from and after the dates of its passage and publication as required by law.

PASSED AND ADOPTED THIS 11TH DAY OF OCTOBER, 2005.



David M. Lanman
Mayor

Attest:



Florencio P. Saucedo
City Administrator