

ORDINANCE NO. 245

AN ORDINANCE AMENDING CHAPTER 10 OF THE CLAUDE CITY CODE: DEFINING A JUNKED VEHICLE; DECLARING A JUNKED VEHICLE TO BE A PUBLIC NUISANCE; DECLARING AN OFFENSE; ESTABLISHING PROCEDURES TO ABATE THE NUISANCE; PROVIDING FOR NOTICE; PROVIDING FOR HEARING, PROVIDING FOR EXCEPTIONS; AND PROVIDING FOR JUNKED VEHICLE DISPOSAL IN COMPLIANCE WITH SECTION 683.071 ET. SEQ. OF THE TEXAS TRANSPORTATION CODE.

“WHEREAS, the City Council of the City of Claude has determined that junked vehicles exposed to public view and access are a public nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAUDE:

That Chapter 10 of the Code of Ordinances, City of Claude, Texas, is hereby amended by adding an article, to be numbered Article 3, which said article reads as follows:

Article 3. JUNKED VEHICLES

Sec. 10.31. Definitions. In this Article:

- (a) ***Junked vehicle*** means a vehicle that is self-propelled and:
- (1) does not have lawfully attached to it:
    - (A) an unexpired license plate; or
    - (B) a valid motor vehicle inspection certificate;
  - (2) is wrecked, dismantled or partially dismantled, or discarded; or
  - (3) is 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.

Sec. 10.32 Junked Vehicle Declared to be Public Nuisance

A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

- (1) is detrimental to the safety and welfare of the public;
- (2) tends to reduce the value of private property;
- (3) invites vandalism;
- (4) creates a fire hazard;
- (5) is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) is a public nuisance.

Sec. 10.33 Offense.

- (a) A person commits an offense if the person maintains a public nuisance described by Section 10.32.
- (b) An offense under this Article is a misdemeanor punishable by a fine not to exceed

\$200.00.

- (c) The municipal court shall order abatement and removal of the nuisance on conviction.

Sec. 10.34 Authority to Abate Nuisance: Procedures.

(a) The City of Claude adopts these procedures 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.

- (b) These procedures:

- (1) prohibit a vehicle from being reconstructed or made operable after removal;
- (2) require a public hearing before removal of the public nuisance; and
- (3) require that notice identifying the vehicle or part of the vehicle be given to the Texas Department of Transportation no later than the fifth day after the date of removal.

(c) The Municipal Court of the City of Claude may issue necessary orders to enforce these procedures.

(d) Procedures for abatement and removal of a public nuisance must be administered by a regularly salaried, full-time employee of the City of Claude, except that any authorized person may remove the nuisance.

(e) A person authorized to administer the procedures 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.

(f) On receipt of notice of removal, the department shall immediately cancel the certificate of title issued for the vehicle.

(g) The relocation of a junked vehicle that is a public nuisance to another location in the City of Claude after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

Sec. 10.35. Notice

(a) The procedures for the abatement and removal of a public nuisance under this Article must provide not less than ten days' notice of the nature of the nuisance and must be sent by certified mail, marked five-day return receipt requested, to:

- (1) the last known registered owner of the nuisance;
- (2) each lienholder of record of the nuisance; and
- (3) the owner or occupant of:
  - (i) the property on which the nuisance is located; or
  - (ii) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

- (b) The notice must state that:

(1) the nuisance must be abated and removed not later than the 10<sup>th</sup> day after the date on which the notice was mailed; and



(2) any request for a hearing must be made before the ten day period expires.

(c) If the post office address of the last known registered owner of the nuisance 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 11<sup>th</sup> day after the date of the return.

Sec. 10.36 Hearing.

(a) The City Council of the City of Claude officially designates the municipal court judge to conduct hearings under the procedures adopted in this Article.

(b) If a hearing is requested by a person for whom notice is required under Section 10.35, the hearing shall be held not earlier than the 11<sup>th</sup> day after the date of the service of notice.

(c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(d) If the information is available at the location of the nuisance, an order requiring removal of the nuisance must include the vehicle's:

- (1) description;
- (2) vehicle identification number; and
- (3) license plate number.

Sec. 10.37 Inapplicability of Article.

(a) Procedures adopted under this Article do not apply to a vehicle or vehicle part:

(1) 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

(2) 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 or part and the outdoor storage are, if any, are:

- (i) maintained in an orderly manner;
- (ii) not a health hazard; and
- (iii) screened from ordinary public view by appropriate means, including a fence constructed of appropriate and aesthetically pleasing fencing materials that is built to a minimum of 6 feet high.

Sec. 10.38 Junked Vehicle Disposal.

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

(b) The City of Claude may operate a disposal site if the City Council determines that commercial disposition of junked vehicles is not available or is inadequate. The City of Claude may:

- (1) finally dispose of a junked vehicle or vehicle part; or
- (2) transfer it to another disposal site if the disposal is scrap or salvage only.

Sec. 10.39 Separability.

If any section, subsection, sentence, phrase, or portion of this Article is, for any reason, held invalid or unconstitutional by any court or agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof."

PASSED AND APPROVED in a regular/special/called meeting by the City Council of the City of Claude, Texas, on this 12<sup>th</sup> day of June, 2000.



Leon L. James  
Mayor, City of Claude, Texas

ATTEST:

S. Matthew Hunter  
City Secretary



ORDINANCE NO. 245

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, SECTION 10.37 OF THE CLAUDE CITY CODE: DEFINING AN "ANTIQUE VEHICLE"; "MOTOR VEHICLE COLLECTOR", AND "SPECIAL INTEREST VEHICLE".**

"WHEREAS, the City Council of the City of Claude has determined that it is necessary and appropriate to add certain definitions to Chapter 10, Article 3 of the Code of Ordinances, City of Claude, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAUDE:

That Chapter 10, Article 3, of the Code of Ordinances, City of Claude, Texas, is hereby amended by adding subparagraphs (b), (c) and (d), which subparagraphs (b), (c) and (d) read as follows:

Article 3. JUNKED VEHICLES

(b) "Antique vehicle" means a passenger car or truck that is at least thirty-five (35) years old.

(c) "Motor vehicle collector" means a person who:

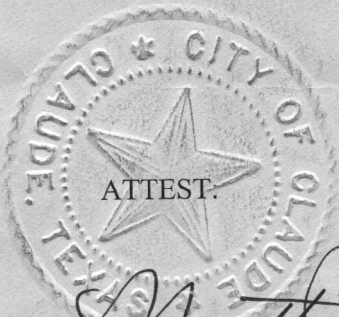
- (1) owns one or more antique or special interest vehicles; and
- (2) acquires, collects, or disposes of any antique or special interest vehicle for personal use or to restore and preserve for historic interest.

(d) "Special interest vehicle" means 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 motor vehicle collector.

PASSED AND APPROVED in a regular/special/called meeting by the City Council of the City of Claude, Texas, on this 14th day of January, 2002.

Rick Jones

Mayor, City of Claude, Texas



ATTEST.

Martha Johnson  
City Secretary

ORDINANCE NO. 245

AN ORDINANCE AMENDING CHAPTER 10 OF THE CLAUDE CITY CODE: DEFINING A JUNKED VEHICLE; DECLARING A JUNKED VEHICLE TO BE A PUBLIC NUISANCE; DECLARING AN OFFENSE; ESTABLISHING PROCEDURES TO ABATE THE NUISANCE; PROVIDING FOR NOTICE; PROVIDING FOR HEARING; PROVIDING FOR EXCEPTIONS; AND PROVIDING FOR JUNKED VEHICLE DISPOSAL

"WHEREAS, the City Council of the City of Claude has determined that junked vehicles exposed to public view and access are a public nuisance.

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Article 3. JUNKED VEHICLES

Sec. 10.31. Definitions. In this Article:

(a) *Junked vehicle* means a vehicle that was designed to be self-propelled, but is inoperative and:

- (1) does not have lawfully attached to it:
  - (i) an unexpired license plate; or
  - (ii) a valid motor vehicle inspection certificate;
- (2) is wrecked, dismantled, or partially dismantled, or discarded;
- (3) has remained inoperative for more than 45 consecutive days.

or

(b) *Antique vehicle* means a passenger car or truck that is at least 35 years old.



(c) *Motor vehicle collector* means 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 for personal use or to restore and preserve for historic interest.

(d) *Special interest vehicle* means 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 motor vehicle collector.

Sec. 10.32. Junked Vehicle Declared To Be Public Nuisance

A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

- (1) is detrimental to the safety and welfare of the public;
- (2) tends to reduce the value of private property;
- (3) invites vandalism;
- (4) creates a fire hazard;
- (5) is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) is a public nuisance.

Sec. 10.33. Offense.

(a) A person commits an offense if the person maintains a public nuisance described by Section 10.32.

(b) An offense under this Article is a misdemeanor punishable by a fine not to exceed \$200.00.

(c) The municipal court shall order abatement and removal of the nuisance on conviction.

Sec. 10.34. Authority To Abate Nuisance: Procedures.

(a) The City of Claude adopts these procedures 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.

(b) These procedures:

(1) prohibit a vehicle from being reconstructed or made operable after removal;

(2) require a public hearing before removal of the public nuisance; and

(3) require that notice identifying the vehicle or part of the vehicle be given to the Texas Department of Transportation no later than the fifth day after the date of removal.

(c) The municipal court of the City of Claude may issue necessary orders to enforce these procedures.

(d) The procedures for abatement and removal of a public nuisance must be administered by a regularly salaried, full-time employee of the City of Claude, except that any authorized person may remove the nuisance.

(e) A person authorized to administer the procedures 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.

Sec. 10.35. Notice.

(a) The procedures for the abatement and removal of a public nuisance under this Article must provide not less than ten days' notice of the nuisance and must be sent by certified mail, marked five-day return receipt requested, to:

(1) the last known registered owner of the nuisance;

(2) each lienholder of record of the nuisance; and



(3) the owner or occupant of:

(i) the property on which the nuisance is located; or

(ii) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(b) The notice must state that:

(1) the nuisance must be abated and removed not later than the 10th day after the date on which the notice was mailed; and

(2) any request for a hearing must be made before the ten day period expires.

(c) If the post office address of the last known registered owner of the nuisance 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.

Sec. 10.36. Hearing.

(a) The City Council of the City of Claude officially designates the municipal court judge to conduct hearings under the procedures adopted in this Article.

(b) If a hearing is requested by a person for whom notice is required under Section 10.35, the hearing shall be held not earlier than the 11th day after the date of the service of notice.

(c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(d) If the information is available at the location of the nuisance, an order requiring removal of the nuisance must include the vehicle's:

(1) description;

(2) vehicle identification number; and

(3) license plate number.

Sec. 10.37. Inapplicability of Article.

(a) Procedures adopted under this Article do not apply to a vehicle or vehicle part:

(1) 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

(2) 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 or part and the outdoor storage area, if any, are:

(i) maintained in an orderly manner;

(ii) not a health hazard; and

(iii) screened from ordinary public view by appropriate means, including a fence constructed of appropriate and aesthetically pleasing fencing materials that is built to a minimum of 6 feet high.

Sec. 10.38. Junked Vehicle Disposal.

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

(b) The City of Claude may operate a disposal site if the City Council determines that commercial disposition of junked vehicles is not available or is inadequate. The City of Claude may:

(1) finally dispose of a junked vehicle or vehicle part; or

(2) transfer it to another disposal site if the disposal is scrap or salvage only.

Sec. 10.39. Separability.

If any section, subsection, sentence, phrase, or portion of this Article is, for any reason, held invalid or unconstitutional by any court or agency of competent

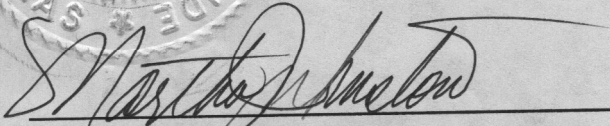


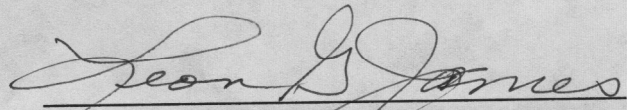
jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof."

PASSED AND APPROVED in a regular/special/called meeting by the City Council of the City of Claude, Texas, on this 13th day of October, 1997.



ATTEST:

  
City Secretary

  
Mayor, City of Claude, Texas