

**CITY OF MILES
Miles, Texas 76861**

**AN ORDINANCE CONCERNING JUNKED, WRECKED, AND DISMANTLED
VEHICLES.**

ORDINANCE #120400

**AN ORDINANCE PERTAINING TO JUNKED VEHICLES, DEFINING TERMS,
DECLARING JUNKED VEHICLES A PUBLIC NUISANCE, PROVIDING FOR
NOTICE TO ABATE SUCH PUBLIC NUISANCE; PROVIDING FOR A
HEARING; PROVIDING FOR THE DISPOSAL OF JUNKED VEHICLES TO
DEMOLISHERS; PROVIDING A PENALTY; AND ESTABLISHING AN
EFFECTIVE DATE.**

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

SECTION 1...DEFINITION...

Whenever the following terms are used in this article they shall have the meaning respectively ascribed to them in this section:

ANTIQUE VEHICLE... means a passenger car or truck that is at least 35 years old.

JUNKED VEHICLE... Means any motor vehicle as defined in the Texas Transportation Code (Section 683.071) and any amendments thereto for the purposes of this ordinance which:

- (a) is inoperative and which does not have lawfully affixed thereto either an unexpired license plate or plates or a valid motor vehicle safety inspection certificate and which is wrecked; dismantled; partially dismantled; or discarded; or
- (b) remains inoperable for a continuous period of more than 45 days

PERSON... Any individual, firm, partnership, association, corporation, company, or organization of any kind.

DEMOLISHER... Any person whose business is to convert a motor vehicle into processed scrap, or scrap metal, or otherwise to wreck or dismantle motor vehicles.

- (a) Motor vehicle collector... means a person who:
 - i. owns one or more antique or special interest vehicles; and

- ii. 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.
- (b) 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 hobbyist.
- (c) Inoperable vehicle...means not capable of being used or operated due to legal or mechanical incapability.

SECTION 2...LOCATION OR PRESENCE OF JUNKED VEHICLES WITHIN CITY DEEMED PUBLIC NUISANCE: EXCEPTION...

The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Miles shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his/her or their own real property, provided that this section 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,
- (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 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, thereof, and the outdoor storage area, if any, is:
 - (a) maintained in an orderly manner;
 - (b) does not constitute a health hazard; and
 - (c) is screened from ordinary public view by appropriate means, including a fence rapidly growing trees, or shrubbery. A vehicle or part thereof, covered by a tarp, car blanket, or similar covering does not meet the requisite screening requirements of this ordinance, or;
- (3) unlicensed, inoperable vehicles stored on private property provided however, that the vehicles and outdoor storage areas are maintained in such a

manner 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.

- (4) for purposes of this section, 'ordinary public view' means the view from private or public property, or public right-of-way from average grade of the surrounding property.

SECITON 3...ABATEMENT OF REMOVAL ORDER: CONTENTS: SERVICE...

- (a) Whenever such public nuisance exists in the City in violation hereof, the City's Ordinance Enforcement Officer, who shall administer this ordinance shall not give less than ten (10) days notice to the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists to abate or remove the same, stating the nature of the public nuisance or private property and that it must be removed and abated within ten (10) days and further that a request for hearing must be made before expiration of said ten (10) day period by the aggrieved person, such notice to be mailed, by certified or registered mail with a return receipt requested, to the owner or the occupant of the private premises where upon 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.
- (b) Whenever such public nuisance exists in the City in violation hereof, the City's Ordinance Enforcement Officer shall have not less than a ten (10) day notice, stating the nature of the public nuisance on the public property or on a public right-of-way and that 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 return receipt requested, to the owner or the occupant of the public premises or to the owner or the occupant of the premises adjacent to the right-of-way where upon 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.
- (c) After a vehicle has been removed it shall not be reconstructed or made operable.
- (d) A public hearing prior to the removal of the vehicle or part thereof as a public nuisance is to be held before the governing body of the City, or official of the City as designated by the governing body, when such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, within 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, if available at the site.

- (e) Notice by the City is to be given to the Texas Department of Transportation 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 the Texas Transportation Code, Sec. 683.074 and any amendments thereto for the purposes of this ordinance.
- (f) The Ordinance Enforcement Officer of the City shall administer the removal of vehicles or parts thereof from property.

SECTION 4....REMOVAL WITH PERMISSION OF OWNER OR OCCUPANT

If, within ten (10) days after receipt of notice from the City's Ordinance Enforcement Officer or his duly authorized agent, to abate the nuisance as herein provided, the owner or occupant of the premises shall give his written permission to the Ordinance Enforcement Officer or his duly authorized agent for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of Section 3.

SECTION 5... DISPOSAL OF JUNKED VEHICLES

- (a) If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this ordinance, official action shall be taken by the City of Miles, to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any suitable site operated by the City of Miles, processing as scrap or salvage, which removal or process shall be considered in Section 5, subdivision (b) of this ordinance. A junked vehicle disposed of to a demolisher, in accordance with this ordinance, must be transferred to such demolisher by a form acceptable to the Texas Department of Transportation. The transfer receipt must be listed in the demolisher's records and surrendered to the Texas Department of Transportation in accordance with the Texas Transportation Code, Sec. 683.057 and any amendments thereto for the purposes of this ordinance.
- (b) After a vehicle has been removed pursuant to this section, it shall not be reconstructed or made operable by any person.
- (c) Notice shall be given to the Texas Department of Transportation five (5) days after the date of removal identifying the vehicle or part hereof.

SECTION 6... AUTHORITY TO ENFORCE...

The City of Miles Ordinance Enforcement Officer or his agent may enter upon private property for the purposes specified in this 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 this ordinance. The appropriate Municipal Court of the City of Miles with jurisdiction over such vehicle shall have authority to issue all orders necessary to enforce such ordinance.

SECTION 7...APPLICATION...

Nothing in this Article shall effect ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

SECTION 8... PENALTY...

Upon conviction for violation of any provisions of this article relating to the maintaining of a public nuisance as described herein or in permitting or allowing such public nuisance to exist, such violator shall be punished by a fine not to exceed Two Hundred and no/100 (\$200.00) Dollars and each day that such nuisance shall continue after the time for abatement as herein set out shall constitute a separate offense.

SECTION 9... If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or sections or part or part of a section or paragraph of this ordinance.

SECTION 10... The Ordinance was read at meeting held on the 4 day of December, 2000.

This ordinance shall be effective on the 15th day of March, 2001.

PASSED AND APPROVED this 4th day of December, 2000.

E. C. Jackson
Mayor

ATTEST

Leresa Scott
City Secretary

ORDINANCE NO. 3-2-15

**AN ORDINANCE OF THE CITY OF MILES, TEXAS,
AMENDING ORDINANCE 120400 BY ADDING SECTION 2
(5); PROVIDING A REPEALING CLAUSE; PROVIDING A
SEVERABILITY CLAUSE; AND, PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Miles, Texas, on or about December 1, 2000, passed Ordinance #120400 which pertains to junked vehicles and declaring such vehicles to be a public nuisance and providing for a penalty and abatement procedure; and

WHEREAS, the City Council for the City of Miles has determined that it is in the best interests of the citizens and the welfare of the community to amend this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MILES, TEXAS:**

SECTION 1. That Ordinance 120400 be and is hereby amended to hereinafter read as follows:

“Ordinance #120400

...

SECTION 2. Location or presence of junked vehicles with City deemed public nuisance: exception...

...

(5) A vehicle which is completely covered by a carport, provided the carport completely covers any and every vehicle placed underneath it. No matter how many vehicles are under the carport, the carport must completely cover all vehicles (or vehicle) underneath it. A carport which only partially covers a vehicle or vehicles underneath it, does fall within this exception.

...”

SECTION 2. That any provisions of the ordinances of the City of Miles in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the ordinances of the City as a whole.

SECTION 4. That the Recitals to this Ordinance are hereby incorporated by reference and made a part of this Ordinance for all purposes.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

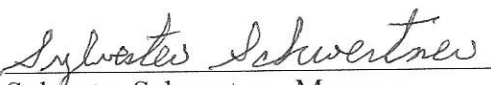
DULY PASSED by the City Council of the City of Miles, Texas, on the 2nd day of March, 2015.



ATTEST:


Amy Fischer, City Secretary

APPROVED:


Sylvester Schwertner, Mayor