

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 46, ARTICLE VII, JUNKED, WRECKED OR DISMANTLED VEHICLES; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Seguin City Council finds that junked vehicles create a nuisance that can be detrimental to the safety and welfare of the public, reduce the value of private property, and produce urban blight within the city limits; and

WHEREAS, the Seguin City Council desires to continue the abatement of junked vehicles within the city limits through the enforcement of ordinances that prohibit such vehicles; and

WHEREAS, the proposed amendments will expand the ability of the City to regulate junked vehicles within the city limits.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas

PART ONE. Chapter 46- Environment, of the Seguin Code of Ordinances is hereby amended as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

Article VII. Junked, Wrecked or Dismantled Vehicles

Sec. 46-181. - Definitions.

Junked vehicle means a vehicle that:

- (1) Is self-propelled; and
- (2) Displays an expired license plate or registration sticker or does not display any license plate or registration sticker; and
- (3) Is:
 - (a) Wrecked, dismantled, partially dismantled, or discarded; or
 - (b) Inoperable and has remained inoperable for more than:
 - i. Seventy-two consecutive hours, if the vehicle is on public property;
 - ii. Thirty consecutive days if the vehicle is on private property.
- (4) Meets the requisites of (3)(a) or (3)(b), and:
 - a. Is located within a floodway as designated by the ~~f~~Federal Emergency Management Agency (FEMA); or
 - b. ~~{Causes an}~~ accumulation of more than one such vehicle on any property zoned residential.

PART TWO. Chapter 46- Environment, of the Seguin Code of Ordinances is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Article VII. Junked, Wrecked or Dismantled Vehicles

Sec. 46-184. – Offense.

- (a) Any person who maintains or permits a nuisance vehicle on public or private property commits a misdemeanor, and upon conviction shall be subject to a fine not to exceed \$200.00. Each day a violation continues constitutes a separate offense.
- (b) This article applies to all vehicles meeting the definition in section 46-181. However, emphasis and priority shall be given to abating junked vehicles that present an obvious appearance of not being functional as a means of transportation. In practical terms, if the visual appearance from a public right-of-way would cause a reasonable person to believe the vehicle is mechanically unserviceable, then immediate action shall be taken to abate the nuisance. The following specific examples are provided:
 - (1) Vehicle has one or more wheels blocked up from the ground.
 - (2) Vehicle has one or more broken windows, severe body damage, is missing body parts, is dismantled or partially dismantled, has parts out of place such as exhaust or transmission touching the ground, or has one or more flat tires.
 - (3) Vehicle has grass and weeds grown up around it, making it obvious that it has not moved in some time.
 - (4) Vehicle has junk and debris visible through the windows that would cause a reasonable person to believe it is being used for storage rather than transportation.
- (c) Vehicles with the appearances described in subsection (b) of this section shall be abated by appropriate and timely repair or removed regardless of whether it has an unexpired license plate or a valid registration sticker.
- ~~(b)~~ (d) Upon conviction, the court shall order the removal and abatement of the nuisance vehicle.

PART THREE. Chapter 46- Environment, of the Seguin Code of Ordinances is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Article VII. Junked, Wrecked or Dismantled Vehicles

Sec. 46-187. – Nuisance vehicles prohibited on private property.

(a) It is unlawful for a person that owns or controls any real property to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on the property.

(b) It is unlawful for a person to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on real property without the permission of the owner of the property.

(c) It is unlawful for a person that owns or controls any real property located within a floodway to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on the property.

PART FOUR. Chapter 46- Environment, of the Seguin Code of Ordinances is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Article VII. Junked, Wrecked or Dismantled Vehicles

Sec. 46-188. – Defenses to prosecution.

(a) The following are defenses to prosecution under section 46-187 or abatement under 46-189:

(1) The vehicle or vehicle part is completely enclosed within a building and is not visible from the street or other private or public property;

(2) The vehicle or vehicle part is stored or parked on private property in connection with the business of a licensed vehicle dealer or junkyard;

(3) The vehicle is an unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, trees, shrubbery or other appropriate means;

(4) The vehicle is completely covered by a heavy duty, authentic car cover so that no part of the vehicle except the tires is exposed to public view and it is the only one on the property; or

(5) The vehicle is in an appropriate storage facility maintained by the city or approved by the city.

(b) This section does not allow a person to leave a junked vehicle on private property without the permission of the owner of the property.

(c) This section does not allow a person to leave a junked vehicle on private property located within a floodway, unless:

(1) The vehicle or vehicle part is completely enclosed within a building and is not visible from the street or other private or public property.

PART FIVE. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

PART SIX. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PART SEVEN. This ordinance shall be published in a newspaper of general circulation.

PART EIGHT. This ordinance shall be effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

PASSED AND APPROVED on the first reading this 7th day of January, 2020.

PASSED AND APPROVED AND ADOPTED on the second reading this 21st day of January, 2020.

DON KEIL
Mayor

ATTEST:

Naomi Manski
City Secretary