



## MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: March 7, 2015

Re: **Ordinance amending Chapter 46, Environment, Article VII, Junked Vehicles**

Because, in part, various vehicles are certificated property regulated by the state, municipal authority for the regulation and abatement of junked vehicles is governed by state law. During the 2013 legislative session a bill was passed (effective March 1, 2015) that will (by the end of 2015) combine the inspection and licensing process for all motor vehicles. Under the new process every vehicle will have to be inspected before its license can be renewed. The end result will be issuance of a single (rather than two) windshield sticker.

As a result of the changes in the inspection/registration process the state's definition of junked vehicle was changed to reflect the new law. The city's junked vehicle definition tracks the state law; therefore, the Ordinance under consideration was drafted to reflect this change. The ordinance also includes the state definition regarding watercraft (which also can be considered a junked vehicle).

State law limits the fine on junked vehicles to \$200.00. With a lower fine, some individuals respond to citation by paying the window fine – and do nothing to remedy the underlying junked vehicle. Such actions frustrate staff efforts to remove such vehicles. State law also provides the means and procedures that a city may adopt by ordinance to abate nuisances created by a junked vehicle. The Ordinance under consideration adopts those state law procedures. These procedures include notice (either personal or by certified mail) and an opportunity to be heard (in the municipal court). If a person does not respond to the notice, or does not request a hearing within the given time period (ten days) then the city staff can have the vehicle removed (it must be removed for scrap only).