

(e) Motor Vehicle: A motor vehicle subject to registration under the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), except that for purposes of Sections 1, 2, and 3 of this subchapter, "motor vehicle" includes a motorboat, outboard motor, or vessel subject to registration under Chapter 31, Texas Parks and Wildlife Code.

(f) Special Interest Vehicle: A motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

(g) Storage Facility: A garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

Section 3. Junked Vehicles As Public Nuisance

(a) The City Council hereby declares that a junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the state by producing urban blight adverse to the maintenance and continuing development of the municipalities in the state, and is a public nuisance.

(b) A person commits an offense if that person maintains a public nuisance as determined under this section.

(c) The owner or occupant of any real property within the City of Manor, Texas shall keep such property free of and shall not permit or suffer the presence of junked vehicles on such property.

Section 4. Procedures for Abating Nuisance

(a) The City Council hereby establishes procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance, from private property, public property, or public rights-of-way.

(b) For a nuisance on private property, the City Secretary shall provide not less than 10 days written notice to the owner or occupant of said property stating the nature of the public nuisance on private property, that it must be removed and abated within 10 days, advise the owner or occupant of the premises that such person may request a hearing to determine whether or not the motor vehicle is a junked motor vehicle as defined herein, and that a request for a hearing must be made before expiration of the 10-day period. The notice shall be mailed, by certified mail with a 5-day return requested, to the last known registered owner of the junked motor

vehicle, any lien holder of record, and the owner or occupant of the private premises on which the public nuisance exists. If any notice is returned undelivered by the United States Post office, official action to abate the nuisance shall be continued to a date not less than 10 days after the date of the return.

(c) For a nuisance on public property, the City Secretary shall provide not less than 10 days' notice, stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within 10 days, and that a request for hearing must be made before expiration of the 10-day period. The notice shall be mailed, by certified mail with a 5-day return requested, to the last known registered owner of the junked motor vehicle, any lien holder of record, and the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than 10 days after the date of the return.

(d) In addition, the City Secretary shall prevent a vehicle from being reconstructed or made operable after it has been removed.

(e) A public hearing shall be held before the removal of the vehicle or vehicle part as a public nuisance. The hearing shall be held before the City Council. If 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 the vehicle is located, a hearing should be held within 10 days after service of notice to abate the nuisance. A resolution or order requiring the removal of a vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.

(f) The City Secretary shall give notice to the State Department of Highways and Public Transportation not later than the fifth day after the date of removal. The notice shall identify the vehicle or vehicle part. The department shall immediately cancel the certificate of the title to the vehicle pursuant to the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes).

(g) This ordinance shall not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part 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 an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the 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, rapidly growing trees, shrubbery, or other appropriate means.

(h) The procedures set forth in this subchapter shall be administered by regularly salaried, full-time employees of the City except that the removal of a vehicle or vehicle part from property may be by a duly authorized person.

Section 5. Disposal of Junked Vehicles

A junked vehicle or vehicle part may be disposed of by removal to a scrapyard or demolisher.

Section 6. Authority to Enforce

A person authorized by the City to administer the procedures authorized by this subchapter may enter private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, or remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. A court of competent jurisdiction may issue orders necessary to enforce the procedures.

Section 7. Effect of Act on Other Statutes or Ordinances

Nothing in this ordinance shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction of traffic. This ordinance herewith repeals Ordinance No. 37 in its entirety.

Section 8. Abandoned and Junked Motor Vehicles on Public Property

It shall be unlawful for any person, firm or corporation to park or place an abandoned motor vehicle or junked vehicle, or to allow an abandoned motor vehicle or junked vehicle to remain on any public street, alley, sidewalk, highway, or public property within the city.

Section 9. Penalties

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall order removal and abatement of the nuisance.

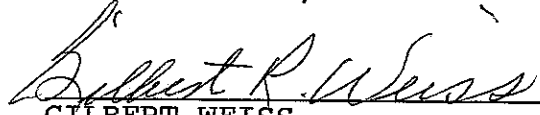
Section 10.

Severability

Should any portion or part of this ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

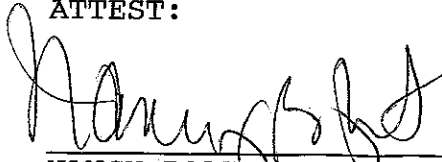
PASSED AND APPROVED THIS 16 day of July, 1993.

CITY OF MANOR, TEXAS



GILBERT WEISS
Mayor, City of Manor, Texas,

ATTEST:



NANCY BOATRIGHT,
City Secretary