

COMMISSIONERS COURT ORDER

No. 13.105.082290 C

Commissioners Court Order Adopting Procedures
for the Abatement and Removal of Junked Vehicles
as a Public Nuisance pursuant to
Art. 4477-9a, V.A.T.S.

WHEREAS, the Legislature has enacted the Litter Abatement Act, Article 4477-9a, of the Texas Revised Civil Statutes; and

WHEREAS, that Act authorizes the counties of this state to adopt procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance, in conformity with the requirements of that Act; and

WHEREAS, the Commissioners Court of Bexar County, Texas finds that junked vehicles are detrimental to the safety and welfare of the general public, tend to reduce the value of private property, invite vandalism, create fire hazards, and constitute an attractive nuisance creating a hazard to the safety and health of minors; and

WHEREAS, the Commissioners Court of Bexar County, Texas, has considered the matter and deems it appropriate to adopt procedures for the abatement and removal of junked vehicles or parts of junked vehicles as public nuisances in conformity with the requirements of the Litter Abatement Act;

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT
OF BEXAR COUNTY, TEXAS:

Article I Definitions

- (a) "Antique auto" means a passenger car or truck that is at least 35 years old;
- (b) "Demolisher" means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle;
- (c) "Department" means Bexar County Department of Public Works;
- (d) "Collector" means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest;
- (e) "Junked vehicle" means a motor vehicle:
 - (1) that is inoperative; and
 - (2) that does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, that is wrecked,

dismantled, partially dismantled, or discarded, or that remains inoperable for a continuous period of more than 45 days.

- (f) "Motor vehicle" means 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 Articles 5.02, 5.03, and 5.04 of the Act, "motor vehicle" includes motorboat, outboard motor, or vessel subject to registration under Chapter 31, Texas Parks and Wildlife Code.
- (g) "Special interest vehicle" means 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.

Article II Junked Vehicles Declared a Public Nuisance;
Exceptions

- 2.01 The Litter Abatement Act has deemed junked vehicles that are located in a place where they are visible from a public place or public right-of-way to be a public nuisance.
- 2.02 The following vehicles or parts thereof are excepted from the provisions of this Order:
 - 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, junkyard, or automotive wrecking and salvage yard.
 - 3. Unlicensed, operable or inoperable antique and special interest vehicles stored by a collector on his property, provided that the vehicles and the 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.

Article III Administration of Abatement and Removal Procedures

- 3.01 Commissioners Court of Bexar County, Texas hereby authorizes the Department to administer the abatement and removal procedures adopted in this Order.

Article IV

Notice to Abate Nuisance

4.01 Nuisance on Private Property - the Department shall furnish notice, stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of said ten (10) day period, such notice to be mailed, by certified mail with a five (5) day return requested, to the last known registered owner of the motor vehicle and all lien holders of record and to the owner or the occupant of the private premises whereupon such public nuisance exists. If any notice is returned undelivered the Department shall post notice of the existence of the nuisance and the proposed action at the County Courthouse and on the junked vehicle.

4.02 Nuisance on Public Property - the Department shall furnish notice, stating the nature of the public nuisance on public property or on public right-of-way 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, such notice is to be mailed by certified mail with a five (5) day return requested, to the last known registered owner of the motor vehicle and all lien holders of record and to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If any notice is returned undelivered the Department shall post notice of the existence of the nuisance and the proposed action at the County Courthouse and on the junked vehicle.

Article V Hearing

5.01 Commissioners Court will conduct a public hearing in order to determine whether the junked vehicle should be removed as a public nuisance. All hearings will be conducted ten (10) days after notice pursuant to Article IV of this order is received or posted. In the event that multiple parties are entitled to notice, the date of the hearing is calculated from the date that the last party received notice, or, if applicable, from the date notice is posted.

5.02 An owner or occupant who wishes to contest the designation of the public nuisance at the hearing must notify County Judge within 10 days after receipt or posting of notice.

Article VI Order of Removal

- 6.01 Commissioners Court of Bexar County will order the removal of any vehicle or vehicle part found to be a public nuisance in a hearing conducted pursuant to Article V.
- 6.02 The order requiring the removal of a vehicle or part thereof must include a description of the vehicle, and shall include the correct identification number and license number of the vehicle if the information is available.

Article VII Disposal of Junked Vehicles

- 7.01 Junk vehicles or parts thereof may be disposed of by removal to a scrapyard or demolisher by the County or any party with whom the County contracts for same, for processing as scrap or salvage, which process shall be consistent with the procedures set forth herein.
- 7.02 After a vehicle or part thereof has been removed, it shall not be reconstructed or made operable.

Article VIII Notice to State

- 8.01 Notice must be given to the State Department of Highways and Public 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 Article 6687-1, Vernon's Texas Annotated Civil Statutes, as amended.

Article IX Administration and Enforcement of Procedures

- 9.01 The administration of the Commissioners Court procedures herein shall be by such regularly salaried, full-time Department employees as may be granted authority by the Bexar County Commissioners Court to enforce this ordinance, except that the removal of vehicles or parts thereof from property may be by any duly authorized person.
- 9.02 A County employee authorized to enforce this ordinance may enter the public areas of any building or premises, not a private residence or dwelling, structure or completely enclosed structure on private property, at all reasonable times whenever necessary in the performance of his/her duties to inspect and investigate for violations of any law, or to enforce any law. The authority to inspect shall include but not be limited to the authority to examine vehicles or parts thereof, obtain information as to identity of vehicles and to remove or cause the removal of a vehicle or parts thereof

declared to be nuisance. If such building or premises be occupied and involved in conducting business, he/she shall first present proper credentials and demand entry, unless otherwise permitted by law. If such entry is refused, or, if no owner or other person having charge or control of the building or premises can be located, he/she shall have recourse to every remedy provided by law to secure entry.

Article X Effect of Act on Other Laws

10.01 Nothing in this Order shall affect laws that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic, or laws that establish procedures for taking possession of abandoned motor vehicles.

Article XI Severability

11.01 If any provision of these Regulations or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or application of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.

Article XII Criminal Penalties

12.01 Independent of the procedures established herein, the maintenance of a public nuisance as defined in Section 2.01 of this Order is an offense under Article 4477-9a, § 5.08, V.A.T.S., punishable by a fine not to exceed \$200.00.

Article XIII Effective Date

13.01 This Order is effective August 22, 1990.

PASSED AND APPROVED THIS THE 22 DAY OF August, 1990.

Tom Vickers

TOM VICKERS
County Judge

John A. Longoria
JOHN A. LONGORIA
Commissioner Precinct 1

Paul Elizondo
PAUL ELIZONDO
Commissioner Precinct 2

Walter B. Bielestein
WALTER BIELSTEIN
Commissioner Precinct 3

Bob Lee
BOB LEE
Commissioner Precinct 4

Approved:
Alfredo Millan
Mark Trev. D. Cott

Nuisance Complaint Process

