

ORDINANCE NO. O-2012-015-15

CASE NO. Z-010-12

AN ORDINANCE AMENDING ARTICLE II, "JUNKED VEHICLES", OF CHAPTER 50, "JUNKED VEHICLES AND MOTOR VEHICLE JUNK YARDS", OF THE HALTOM CITY CODE OF ORDINANCES (1998) AS AMENDED; BY AMENDING THE DEFINITION OF JUNKED VEHICLE TO CONFORM TO RECENT STATUTORY AMENDMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the legislature has adopted Chapter 683 of the Transportation Code to adopt procedures for the abatement and removal of junked vehicles as a public nuisance from private property, public property, or public rights-of-way; and

WHEREAS, the City Council of the City of Haltom City has previously adopted regulations declaring junked vehicles that are visible from a public place or public right of way a public nuisance; and

WHEREAS, the City Council of the City of Haltom City has determined that is in the best interests of the City to amend the definition of junked vehicle to reflect changes to Chapter 683, Subchapter E of the Texas Transportation Code enacted by the 82nd Legislature in House Bill 1376 and House Bill 787; and

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

SECTION 1.

That Subsection (2) of Section 50-31, Definitions, of the City of Haltom City Code of Ordinances is hereby amended to read as follows:

“(2) *Junked vehicle* means any motor vehicle that is self-propelled and:

- (a) displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and
- (b) Is:
 - (1) Wrecked, dismantled or partially dismantled, or discarded; or
 - (2) Inoperable and has remained inoperable for more than:
 - i. Seventy-two consecutive hours, if the vehicle is on public property; or
 - ii. Thirty consecutive days, if the vehicle is on private property.
- (c) For purposes of this article, “junked vehicle” also includes aircraft or watercraft and applies only to:
 - (1) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft regulations in 14 C.F.R. Part 47; or
 - (2) A watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Section 31.055 of the Texas Parks and Wildlife Code.”

SECTION 2.

This Ordinance shall be cumulative of all provisions of the City of Haltom City, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) or the maximum allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of Haltom City, Texas or any other ordinances affecting Junked and Abandoned vehicles which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Haltom City is hereby directed to publish in the official newspaper of the City of Haltom City, the caption, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 9th DAY OF
July, 2012.

PASSED AND APPROVED ON SECOND READING THIS 23rd DAY OF
July, 2012.



Richard Hutchins
MAYOR

ATTEST:

Art Camacho
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

W. O. K.
CITY ATTORNEY