

ORDINANCE NO. 2067

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, CHAPTER 46, "NUISANCES", ARTICLE V, "JUNKED MOTOR VEHICLES", SECTION 46-136, "DEFINITIONS", BY AMENDING THE DEFINITION OF "JUNKED VEHICLE" TO CONFORM TO RECENT STATUTORY AMENDMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL THINGS; 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 Euless, 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 Euless 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 Euless has determined that it is in the best interests of the citizens of the City of Euless to amend the definition of "Junked vehicle" to reflect changes to Chapter 683, Subchapter E of the Texas Transportation Code enacted by the 83rd Legislature in House Bill 2305.

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

SECTION 1.

Section 46-136, "Definitions", Article V, "Junked Motor Vehicles" of Chapter 46, "Nuisances", of the Code of Ordinances, City of Euless is hereby amended to hereafter be and read as follows:

"Junked Vehicle. Any motor vehicle that is self-propelled and:

(1) Is:

a. Wrecked, dismantled or partially dismantled, or discarded; or

b. Inoperable and has remained inoperable for more than:

1. Seventy-two consecutive hours, if the vehicle is on public property; or

2. Thirty consecutive days, if the vehicle is on private property.
- (2) For purposes of this article, “Junked Vehicle” also includes a motor vehicle, aircraft or watercraft and applies only to:
- a. a motor vehicle that displays an expired license plate or does not display a license plate;
 - b. an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
 - c. a watercraft that:
 1. does not have lawfully on board an unexpired certificate of number; and
 2. is not a watercraft described by Section 31.055, Parks and Wildlife Code.

SECTION 2.

CUMULATIVE CLAUSE. This Ordinance shall be cumulative of all provisions of the City of Euless, 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.

SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council of the City of Euless that the sections, paragraphs, sentences, clauses, and phrases 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, or 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.

SECTION 4.

PENALTY CLAUSE. Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, Section 1-12, Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 5.

SAVINGS CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating junked vehicles that 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.

PUBLICATION CLAUSE. The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 7.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Euless City Charter and the laws of the State of Texas, and it is so ordained.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on June 9, 2015 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

ATTEST:

Linda Martin, Mayor

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney