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CCC-11

ORDINANCE NO. 975

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PROCEDURES FOR THE ABATEMENT OF THE NUISANCE OF JUNKED VEHICLES ON PUBLIC AND PRIVATE PROPERTY; PROVIDING FOR A PUBLIC HEARING AND DESIGNATING THE JUDGE OF THE MUNICIPAL COURT TO CONDUCT HEARINGS; PROVIDING THAT AFTER A VEHICLE HAS BEEN REMOVED IT SHALL NOT BE RECONSTRUCTED OR MADE OPERABLE AND SHALL NOT BE DISPOSED OF BY BURNING WITHIN THE CITY; BY PROVIDING FOR NOTICE TO THE TEXAS HIGHWAY DEPARTMENT; BY PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE BY REGULARLY SALARIED FULL TIME EMPLOYEES; BY PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That the following procedures are hereby established for the abatement and removal of junked vehicles and parts thereof as public nuisances from private property and public property:

- (1) When, in the opinion of the City Manager of the City of Mesquite, or his designate, a public nuisance exists in the City on either public or private property due to the parking, standing or storage of junked vehicles, as such term is defined, or parts thereof, he shall give written notice as follows:

If the nuisance be on private premises the notice shall be directed to the owner or occupant of such premises by certified or registered mail with a five (5) day return requested.

If the nuisance be on public property the notice shall be directed to the owner and any lienholder as shown by Certificate of Title in the above manner if such information can be obtained. If such information is unavailable, notice by one publication in one newspaper of general circulation in the City shall be sufficient.

- (2) Such notice shall provide: A statement of the nature of the nuisance and that same must be abated and removed, and;

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That a request for a public hearing must be made before the expiration of said ten (10) day period, if desired.

In the event a notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

- (3) Any owner or occupant of the premises whereon such junk vehicle or parts thereof are located, shall be entitled to a public hearing upon request for same within ten (10) days after service of notice. For the purpose of this hearing the Judge of the Municipal Court is hereby designated as the official to preside at such hearings. Upon conclusion of such hearing the Judge shall determine whether or not a nuisance does, in fact, exist.
- (4) This ordinance shall be administered by regularly salaried, full-time employees of the City as designated by the City Manager except that removal of vehicles or parts thereof from property may be by any duly authorized person.
- (5) Upon expiration of the time provided herein and no public hearing having been requested within ten (10) days; or, a public hearing having been held and there having been a finding that a nuisance exists, ten (10) days from the date of such finding the City may remove or cause to be removed such junk vehicle or parts thereof and dispose of same as provided by law.
- (6) Within five (5) days after the date of removal of a junk vehicle or part thereof pursuant to this ordinance the City shall give notice to the Texas Highway Department identifying said vehicle or part thereof.
- (7) When a vehicle has been removed pursuant to this Ordinance such vehicle shall not be reconstructed and made operable and shall not be disposed of or processed for scrap by burning within the City.

SECTION 2. This ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a

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lawful manner where it is not visible from the street or other public or private property, or (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 or a junk yard.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional.

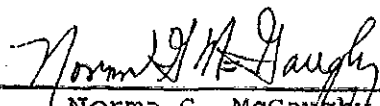
SECTION 4. Whereas, the passage of this ordinance is necessary in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 20 day of September, A.D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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