

CITY OF COMO
ORDINANCE
2017-4

AN ORDINANCE ESTABLISHING PROCEDURE FOR ELIMINATING JUNKED MOTOR VEHICLES FROM WITHIN THE CORPORATE CITY LIMIT OF THE CITY OF COMO, TEXAS. PROVIDE FOR JUNKED MOTOR VEHICLES DEEMED PUBLIC NUISANCE; WITH EXCEPTIONS, ABATEMENT OR REMOVAL ORDER; CONTENTS; SERVICE, REMOVAL WITH PERMISSION OF OWNER OR OCCUPANT, DISPOSAL OF JUNKED VEHICLES, AUTHORITY TO ENFORCE, APPLICATION OF PROVISIONS, PENALTY, SAVING CLAUSE, EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMO, TEXAS.

SECTION 1. JUNKED VEHICLE. ANY MOTOR VEHICLE WHICH IS UNOPERATIVE AND WHICH DOES NOT HAVE LAWFULLY AFFIXED THERE TO EITHER AN UNEXPIRED PLATE OR A VALID MOTOR VEHICLE SAFETY INSPECTION CERTIFICATE, AND THAT IS WRECKED, DISMANTLED; PARTIALLY DISMANTLED; OR DISCARDED, OR THAT REMAINS INOPERABLE FOR A CONTINUOUS PERIOD OF MORE THAN 30 DAYS. THE PROVISIONS HEREOF SHALL NOT APPLY TO VEHICLE IN OPERABLE CONDITION SPECIALLY ADAPTED OR CONSTRUCTED FOR RACING OPERATION ON PRIVATELY OWNED DRAG STRIPS OR RACEWAYS, VEHICLES RETAINED BY THE OWNER FOR ANTIQUE COLLECTION PURPOSE (VEHICLES MUST HAVE VALID LICENSE PLATES) RATHER THAN FOR SALVAGE OR FOR TRANSPORTATION, NOR VEHICLES STORED AS THE PROPERTY OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO IS ON ACTIVE DUTY ASSIGNMENT OUTSIDE THE CONTINENTAL AND TERRITORIAL LIMITS OF THE UNITED STATES.

PERSON. ANY INDIVIDUAL, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION, COMPANY OR ORGANIZATION OF ANY KIND.

DEMOLISHER. ANY PERSON WHOSE BUSINESS IS TO CONVERT A MOTOR VEHICLE INTO PROCESSED SCRAP OR SCRAP METAL, OR OTHERWISE TO WRECK OR DISMANTLE MOTOR VEHICLES.

SECTION 2. JUNKED MOTOR VEHICLES DEEMED PUBLIC NUISANCE; EXCEPTIONS. THE LOCATION OR PRESENCE OF ANY JUNKED VEHICLE ON ANY LOT, TRACT OR PARCEL OF LAND OR PORTION THEREOF, OCCUPIED OR UNOCCUPIED, IMPROVED OR UNIMPROVED, WITHIN THE CITY OF COMO, TEXAS, SHALL BE DEEMED A PUBLIC NUISANCE AND IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS TO CAUSE OR MAINTAIN SUCH PUBLIC NUISANCE BY WRECKING, DISMANTLING, RENDERING INOPERABLE, ABANDONING, OR DISCARDING HIS OR THEIR VEHICLE ON THE PROPERTY OF ANOTHER OR TO SUFFER, PERMIT OR ALLOW THE SAME TO BE PLACED, LOCATED, MAINTAINED OR EXIST UPON HIS OR THEIR OWN REAL PROPERTY; PROVIDED THAT THIS SECTION SHALL NOT APPLY TO (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, OR 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 JUNKYARD.

SECTION 3. ABATEMENT OR REMOVAL ORDER; CONTENTS; SERVICE. (A) WHENEVER ANY SUCH PUBLIC NUISANCE EXISTS IN THE CITY OF COMO IN VIOLATION THEREOF, THE MAYOR, WHO SHALL ADMINISTER THIS ARTICLE, OR THE CITY SECRETARY SHALL SEND WRITTEN NOTICE BY CERTIFIED OR REGISTERED MAIL WITH A FIVE (5) DAY RETURN RECEIPT REQUESTED, TO THE OWNER OF THE REAL PROPERTY OR THE OCCUPANT, IF ANY, OR THE PREMISES, WHEREON SUCH PUBLIC NUISANCE EXISTS, OF ABATE OR REMOVE THE SAME. SAID NOTICE SHALL SPECIFY THE NATURE OF THE PUBLIC NUISANCE; SPECIFY THAT IT MUST BE REMOVED AND ABATED WITHIN TEN (10) DAYS AFTER THE DELIVERY DATE OF THE CERTIFIED MAIL RECEIPT OF SUCH NOTICE AND SPECIFY THAT A REQUEST FOR A PUBLIC HEARING UNDER SUBSECTION (B) THEREOF MUST BE MADE BEFORE THE EXPIRATION OF SAID TEN (10) DAYS PERIOD. IF THE NOTICE IS RETURNED UNDELIVERED BY THE UNITED STATES POST OFFICE, OFFICIAL ACTION BY THE CITY OF COMO, TEXAS, TO ABATE SAID NOTICE SHALL BE CONTINUED TO A DATE NOT LESS THAN TEN (10) DAYS FROM THE DATE OF SUCH RETURN.

A PUBLIC HEARING PRIOR TO THE REMOVAL OF THE VEHICLE OF PART THEREOF AS A PUBLIC NUISANCE SHALL BE HELD BEFORE THE GOVERNING BODY OF THE CITY OF COMO, TEXAS, OR ANY OTHER BOARD, COMMISSION, OR OFFICIAL OF THE CITY, AS DESIGNATED BY THE GOVERNING BODY, WHEN SUCH HEARING IS REQUESTED BY THE OWNER OR OCCUPANT OF THE PREMISES ON WHICH SAID VEHICLE IS LOCATED WITHIN TEN (10) DAYS AFTER THE DELIVERY DATE OF THE CERTIFIED MAIL RECEIPT OF THE NOTICE TO ABATE THE NUISANCE. ANY RESOLUTION OR ORDER REQUIRING THE REMOVAL OF A VEHICLE OR PART THEREOF SHALL INCLUDE A DESCRIPTION OF THE VEHICLE AND THE CORRECT IDENTIFICATION NUMBER, IF AVAILABLE, AND ONE LICENSE NUMBER OF THE VEHICLE, IF AVAILABLE AT THE SITE. IF SAID OWNER OR OCCUPANT FAILS TO COMPLY WITH SAID RESOLUTION OR ORDER, HE SHALL BE SUBJECT TO PENALTY SET OUT IN SECTION 8 OF THIS ORDINANCE.

SECTION 4. REMOVAL WITH PERMISSION OF OWNER OR OCCUPANT. IF , WITHIN TEN (10) DAYS AFTER RECEIPT OF NOTICE FROM THE MAYOR, OR A DULY AUTHORIZED AGENT, TO ABATE THE NUISANCE, AS HEREIN PROVEIDED, THE OWNER OR OCCUPANT OF THE PREMISES SHALL GIVE HIS WRITTEN PERMISSION TO THE MAYOR, OR HIS DULY AUTHORIZED AGENT, FOR THE REMOVAL OF THE JUNKED MOTOR VEHICLE FROM THE PREMISES. THE GIVING OF SUCH PERMISSION SHALL BE CONSIDERED COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

SECTION 5. DISPOSAL OF JUNKED VEHICLES. (A) IF SUCH PUBLIC NUISANCE IS NOT ABATED BY SAID OWNER OR OCCUPANT AFTER NOTICE IS GIVEN IN ACCORDANCE WITH THIS ARTICLE, OFFICIAL ACTION SHALL BE TAKEN BY THE CITY OF COMO, TEXAS, TO ABATE SUCH NUISANCE. JUNKED VEHICLES OR PARTS THEREOF MAY BE DISPOSEDOF BY REMOVAL TO A SCRAPYARD, DEMOLISHERS, OR ANY SUITABLE CITY COMMISSIONED BY THE CITY COUNCIL, FOR PROCESSING AS SCRAPE OR SALVAGE, WHICH REMOVAL OR PROCESS SHALL BE CONSISTENT WITH SECTION 5, SUBSECTION (B) OF THIS ARTICLE. A

JUNKED VEHICLE DISPOSED OF TO A DEMOLISHER, IN ACCORDANCE WITH THIS ARTICLE MUST BE TRANSFERRED TO SUCH DEMOLISHER, BY A FORM ACCEPTABLE TO THE TEXAS HIGHWAY DEPARTMENT (FORM #71-5). THE TRANSFER RECEIPT MUST BE LISTED ON THE DEMOLISHER'S INVENTORY LIST AND SURRENDERED TO THE TEXAS HIGHWAY DEPARTMENT IN LIEU OF THE CERTIFICATE OF TITLE UNDER THE PROVISIONS OF VERNON'S ANNOTATED PENAL CODE, ARTICLE #1436-2. (B) AFTER A VEHICLE HAS

BEEN REMOVED PURSUANT TO THIS ARTICLE, IT SHALL NOT BE RECONSTRUCTED OR MADE OPERABLE BY ANY PERSON. NOTICE SHALL BE GIVEN TO THE TEXAS DEPARTMENT WITHIN FIVE (5) DAYS AFTER THE DATE OF REMOVAL IDENTIFYING THE VEHICLE OR PARTS THEREOF.

SECTION 6. AUTHORITY TO ENFORCE. THE MAYOR OR HIS AGENT, MAY ENTER UPON PRIVATE PROPERTY FOR THE PURPOSES SPECIFIED IN THIS ARTICLE TO EXAMINE VEHICLES AND TO REMOVE OR CAUSE THE REMOVAL OF A VEHICLE OR PARTS THEREOF DECLARED TO BE A NUISANCE PURSUANT TO THIS ARTICLE. THE APPROPRIATE, MUNICIPAL COURT SHALL HAVE AUTHORITY TO ISSUE ALL ORDERS NECESSARY TO ENFORCE SUCH ARTICLE.

SECTION 7. APPLICATION OF PROVISIONS. NOTHING IN THIS ARTICLE SHALL AFFECT ORDINANCES THAT PERMIT IMMEDIATE REMOVAL OF A VEHICLE LEFT ON PUBLIC PROPERTY OR PRIVATE PROPERTY WHICH CONSTITUTE AN OBSTRUCTION TO TRAFFIC.

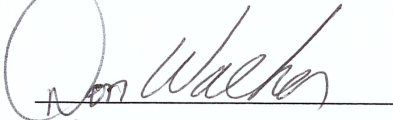
SECTION 8. PENALTY. UPON CONVICTION OF ANY PROVISIONS OF THIS ARTICLE RELATING TO THE MAINTAINING OF A PUBLIC NUISANCE AS DESCRIBED HEREIN OR IN PERMITTING OR ALLOWING SUCH PUBLIC NUISANCE TO EXIST, SUCH VIOLATOR SHALL BE PUNISHABLE TO A FINE OF NOT EXCEEDING TWO HUNDRED DOLLARS (\$200.00) AND EACH DAY THAT SUCH NUISANCE SHALL CONTINUE AFTER THE TIME FOR ABATEMENT AS HEREIN SET OUT, SHALL CONSTITUTE A SEPARATE OFFENSE.

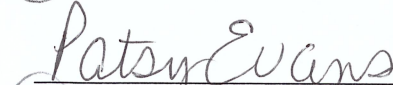
SECTION 9. SAVING CLAUSE. IF ANY SECTION OR PART OF ANY SECTION OR PARAGRAPH OF THIS ARTICLE IS DECLARED INVALID OR UNCONSTITUTIONAL FOR A REASON, IT SHALL NOT INVALIDATE OR IMPAIR THE VALID, FORCE OR EFFECT OF ANY OTHER SECTION OR SECTIONS OR PART OR A SECTION OR PARAGRAPH OF THIS ARTICLE.

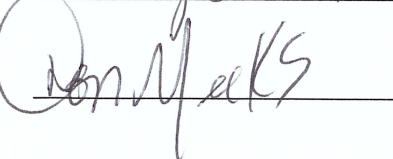
SECTION 10. EFFECTIVE DATE. THIS ORDINANCE SHALL GO INTO FULL FORCE AND EFFECT UPON ITS PASSAGE BY THE CITY COUNCIL, CITY OF COMO, TEXAS.

PASSED AND APPROVED:

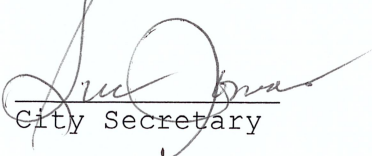
3-14-17

 Mayor

 Commissioner

 Commissioner

ATTEST:


City Secretary