

ORDINANCE NO. 0-2015-49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING THE SECTION 18-30 DEFINITION OF "JUNKED VEHICLE" CONSISTENT WITH RECENT STATE LAW CHANGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety, and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or good order of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and

WHEREAS, The City of Tyler regulates the abatement of junked vehicles or vehicle parts in Section 18-30; and,

WHEREAS, the definition of "junked vehicle" is adopted pursuant to the controlling state law at Sec. 683.071 of the Texas Transportation Code; and

WHEREAS, the Texas Transportation Code, Sec. 683.071 has recently been amended which includes changes to the definition of "junked vehicle"; and

WHEREAS, it is necessary to amend the Tyler City Code at Sec. 18-20 to reflect the updated definition of "junked vehicle"; and

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

PART 1: That Tyler City Code Chapter 18, "Code Enforcement", Article III, "Abatement of Junked Vehicles or Vehicle Parts." is hereby amended by amending Section 18-30 to read as follows:

Sec. 18-30. Definitions.

In this Article, the following words shall have the meanings described below and in State law:

Antique vehicle means a passenger car or truck that is at least twenty-five (25) years old.

Collector means the owner of one (1) or more antique or special interest vehicles who acquires, collects, or disposes of antique or special interest vehicles or parts thereof for personal use in order to restore and preserve an antique or special interest vehicle for historic interest.

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.

Inoperable means:

1. due to mechanical failure, breakdown, or disrepair, cannot be started, driven, operated, steered, or stopped under its own power without causing damage to the vehicle; or
2. not capable of passing a state motor vehicle inspection due to missing mechanical components required for the normal and legal operation of the vehicle.

Junked vehicle or *vehicle part* means a motor vehicle, aircraft, or watercraft that is self-propelled and:

1. a motor vehicle that displays an expired license plate or does not display a license plate; or
2. an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under the Federal Aviation Administration aircraft regulations in 14 CFR Part 47; or
3. a watercraft that does not have lawfully on board an unexpired certificate of number; and is not a watercraft described by Section 31.055, Texas Parks and Wildlife Code;

and that:

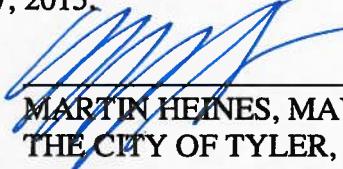
4.
 - a. is wrecked, dismantled, partially dismantled, or discarded; or
 - b. is inoperable and has remained inoperable for more than seventy-two (72) consecutive hours if the vehicle is on public property; or
 - c. is inoperable and has remained inoperable for more than thirty (30) consecutive days if the vehicle is on private property. (Ord. No. 0-2015-49; 5/13/15)

Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

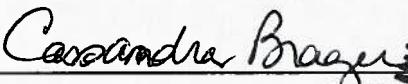
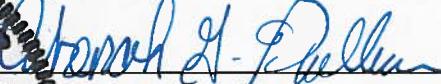
Storage facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing or parking of motor vehicles. (Ord. No. 0-97-54, 11/5/97; Ord. No. O-98-20, 3-18-98) (Ord. No. 0-2001-56, 11/28/2001) (Ord. No. 0-2007-49, 4/25/2007) (Ord. No. 0-2008-65, 5/14/08) (Ord. No. 0-2009-17, 2/25/09) (Ord. 0-2015-49; 5/13/15)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this Ordinance shall be May 27, 2015.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK 
DEBORAH G. PULLUM, CITY ATTORNEY

