



## **ORDINANCE NO. 1480**

**AN ORDINANCE OF THE CITY OF CIBOLO, TEXAS, AMENDING CHAPTER 46 OF THE CIBOLO CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR JUNKED VEHICLES; PROVIDING FOR ABATEMENT OF JUNKED VEHICLES; PROVIDING FOR SEVERABILITY, REPEAL, SAVINGS, PUBLICATION, AND CODIFICATION; DECLARING ADOPTION IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds the City of Cibolo, Texas (the "City") is a home-rule municipality with the authority to enact laws to protect the public, health, and safety of residents and visitors to the City; and

**WHEREAS**, the City Council finds that junked vehicles pose a threat to the health, safety, and welfare of the public by creating urban blight, inviting vandalism, and decreasing property values; and

**WHEREAS**, the City Council seeks to regulate the storage and disposal of junked vehicles within the city limits to mitigate these threats; and

**WHEREAS**, the City Council finds that the City Code of Ordinances does not presently regulate removal and abatement of junked vehicles; and

**WHEREAS**, the City Council finds that Texas Transportation Code Chapter 683, Subchapter E authorizes municipalities to regulate the removal and abatement of junked vehicles; and

**WHEREAS**, the City Council finds it necessary and proper to amend the City Code of Ordinances to include provisions for the regulation and abatement of junked vehicles; and

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

**SECTION 1. Incorporating Recitals.** The City Council approves the recitals hereto and incorporates them herein as findings of fact as if recited verbatim.

**SECTION 2. Amendments.** The Code of Ordinances of the City of Cibolo is hereby amended by adding a new article VI to Chapter 46, to provide as set forth in **Attachment A** attached hereto.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal by final judgment of a court of competent authority, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and ordained all the remaining portions of this Ordinance without the inclusion of such portion or portions found to be unconstitutional or invalid.

**SECTION 4. Repeal.** All resolutions, ordinances, or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this Ordinance shall govern.

**SECTION 5. Savings.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and such accrued violations and litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

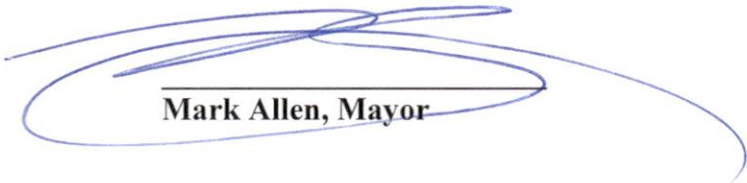
**SECTION 6. Publication and Codification.** The City shall publish this Ordinance in the newspaper designated as the official newspaper of the City twice as required by Section 3.13(3) of the City Charter. This Ordinance will be codified in the Cibolo Code in the next appropriate update.

**SECTION 7. Open Meeting Compliance.** The City Council finds that the meeting at which this Ordinance passed was conducted in compliance with the Texas Open Meetings Act.

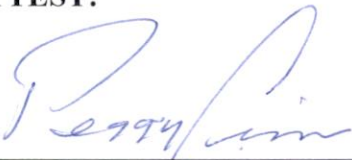
**SECTION 8. Penalty.** It shall be unlawful for any person to violate any provision of this Ordinance. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

**SECTION 9. Effective Date.** This Ordinance will become effective upon the required newspaper publication.

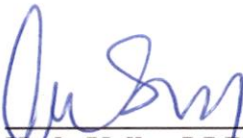
PASSED, APPROVED, AND ADOPTED on this 14 day of January 2025.

  
Mark Allen, Mayor

ATTEST:

  
Peggy Cimics, TRMC  
City Secretary

APPROVED AS TO FORM:

  
Hyde Kelley LLP  
City Attorney  
Audrey Guthrie



## **Attachment A**

### **Cibolo Code of Ordinances**

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#### **CHAPTER 46. NUISANCES**

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#### **ARTICLE VI. - JUNKED VEHICLES**

##### **Sec. 46-140. Definition of junked vehicle**

(a) For the purposes of this article, "junked vehicle" shall have the meaning prescribed in § 683.071 of the Texas Transportation Code, currently in effect or as hereafter amended.

(b) "Junked vehicle" does not include a vehicle or vehicle part described in § 683.077 of the Texas Transportation Code, currently in effect or as hereafter amended.

##### **Sec. 46-141. Public hazards of junked vehicles**

(a) Junked vehicles, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

- (1) Are detrimental to the safety and welfare of the public;
- (2) Tend to reduce the value of property;
- (3) Invite vandalism;
- (4) Create a fire hazard;
- (5) Are an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produce urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Are a public nuisance.

##### **Sec. 46-142. Notice**

(a) If a junked vehicle is located on property in violation of this article, the Chief of Police or the Chief of Police's designee shall mail by certified mail, five-day return requested, a written notice to:

- (1) The last known registered owner of the junked vehicle or motor vehicle part;
- (2) Each lienholder of record of the junked vehicle or junked vehicle part; and
- (3) The owner or occupant of
  - a. The property on which the junked vehicle or junked vehicle part is located; or
  - b. If a junked vehicle or junked vehicle part is located on a public right-of-way, the owner or occupant of the property adjacent to the right-of-way.

(b) The notice required under subsection (a) shall:

- (1) State the nature of the public nuisance;
- (2) Order the recipient to remove and abate the vehicle no later than the tenth (10<sup>th</sup>) day after receipt of the notice;
- (3) Describe the right to request a hearing within ten (10) days of the date on which the notice was mailed; and
- (4) State the consequences of a failure to request a hearing as set forth in this section.

(c) If the post office address of the last known registered owner of the junked vehicle or junked vehicle part is unknown, notice may be placed on:

- (1) The junked vehicle or junked vehicle part; or
- (2) If the owner is located, hand delivered.

(d) If the notice is returned undelivered, notice will be posted on the car, and action to abate the nuisance shall be continued to a date not earlier than the eleventh (11<sup>th</sup>) day after the date of the return, or the date the notice was posted on the car, whichever is later.

#### **Sec. 46-143. Removal and abatement without hearing**

(a) If a person to whom notice was required under 46-142 does not timely request a hearing:

- (1) It is conclusively presumed that the vehicle is a junked vehicle; and
- (2) The Chief of Police or their designee shall:

- a. Remove the vehicle; and
- b. Take possession of the vehicle.

#### **Sec. 46-144. Public hearing**

(a) A person to whom notice is required under section 46-142 may request a hearing to determine whether a vehicle is a junked vehicle.

(1) The owner or occupant must make the request to the Chief of Police not later than the tenth (10th) day after the date of notice to the owner or occupant.

(2) The request may be made in person or in writing, without the requirement of bond.

(b) When a hearing is requested by a person to whom notice was required under section 46-142, the Chief of Police or the Chief of Police's designee shall deliver notice of the hearing according to the procedures in section 46-142. The notice shall contain the date, time, and location of the hearing. The hearing shall be held not earlier than the eleventh (11th) day after the date of the service of notice.

(c) Hearings required under this article shall be conducted by the Assistant Chief of Police.

(1) The Assistant Chief of Police shall determine by a preponderance of the evidence whether the vehicle is a junked vehicle.

(2) At the hearing, the alleged junked vehicle or vehicle part is presumed inoperable unless demonstrated otherwise by the owner.

(d) On a finding that a vehicle is a junked vehicle, the Assistant Chief of Police shall issue a directive that:

(1) The owner or occupant shall remove the vehicle and abate the nuisance no later than the tenth (10th) day; and

(2) If the owner or occupant fails or refuses to abate or remove the vehicle as ordered, the Chief of Police or their designee shall:

- a. Remove the vehicle; and
- b. Take possession of the vehicle.

(e) If the information is available at the location of the junked vehicle or junked vehicle part, an order requiring removal of the junked vehicle or junked vehicle part shall include the following vehicle information:

- (1) Description;
- (2) Vehicle identification number; and
- (3) License plate number;
- (4) If a watercraft, the watercraft's description and identification number as set forth in the certificate of number.

#### **Sec. 46-145. Removal**

- (a) A junked vehicle, including parts of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality, county, or other political subdivision of the State of Texas. The junked vehicle or junked vehicle part shall not be reconstructed or made operable after removal.
- (b) The Chief of Police or their designee shall furnish notice of the removal of a junked vehicle or junked vehicle part to the Texas Department of Transportation within five (5) days after the date of removal.

#### **Sec. 46- 146. Enforcement**

- (a) The Chief of Police or their designee may enter private property to examine a junked vehicle or junked vehicle part to obtain information to identify the junked vehicle or junked vehicle part, and to remove or direct the removal of the junked vehicle or junked vehicle part.
- (b) The relocation of a junked vehicle or junked vehicle part to another location in the city after a proceeding for the abatement and removal of the junked vehicle or junked vehicle part has commenced has no effect on the proceeding if the junked vehicle or junked vehicle part constitutes a public nuisance at the new location.

#### **Sec. 46-147. Junked vehicles prohibited; penalties**

- (a) A person commits an offense under this article if the person creates or maintains a public nuisance described by this article.
- (b) A culpable mental state is not required, and need not be proved, for an offense under this section.
- (c) Each day that such a violation is permitted to exist shall constitute a separate offense.
- (d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200.00.
- (e) The city shall furthermore be entitled to injunctive relief against any violation of this section and for any damages that may result to the city or to the general public by reason

of such violations. The Cibolo Municipal Court may issue orders necessary to enforce the procedures in this article.

(f) The Municipal Court shall order abatement and removal of the nuisance on conviction.

**Sec. 46-148. Interference with impoundment prohibited; penalties**

(a) A person commits an offense if the person interferes with the impoundment, abatement, or final disposition of property under this section.

(b) An offense under this section is a Class C misdemeanor punishable by fine not to exceed \$200.00.

(c) The city shall furthermore be entitled to injunctive relief against any violation of this section and for any damages that may result to the city or to the general public by reason of such violations. The Cibolo Municipal Court may issue orders necessary to enforce the procedures in this article.