

ORDINANCE ESTABLISHING STANDARDS REGARDING  
ABATEMENT AND REMOVAL OF JUNKED VEHICLES,  
APPLIANCES, AND OTHER DEBRIS

BE IT ORDAINED by the Aldermen and the City Council of the City of Waskom, Texas, as follows:

That the heretofore existing ordinances of the City of Waskom, Texas, as well as all other provisions heretofore adopted by said City, be amended, wherever in conflict to read as follows:

ARTICLE 1

Definitions: Whenever the following terms are used in this Ordinance, they have the meanings set forth as follows:

1. Antique Automobile: Passenger cars or trucks that were manufactured in or before 1925 or which have become thirty-five years old or older.
2. Demolisher: Any person whose business is to convert a motor vehicle and to process scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.
3. Junked Vehicle: Any motor vehicle as defined by Article 6101d-11, Vernon's Texas Civil Statutes, as amended which:
  - (a) is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled or discarded; or
  - (b) remains inoperable for a continuous period of more than 120 days.

The provisions hereof shall not apply to vehicles in operative condition specially adapted or constructed for racing on privately owned roadways or dragstrips, vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation, nor vehicles stored as property of a member of the Armed Forces of the United States who is on active duty assignment outside the continental or territorial limits of the United States.

4. Motor Vehicle: Any motor vehicle subject to registration pursuant to the Texas Certificate of Title act.
5. Person: Any individual, firm, partnership, association, corporation, company, or organization of any kind.
6. Special-Interest Vehicles: A motor vehicle of any age which has not been altered or modified from original manufacturer specifications and because of its historic interest is being preserved by hobbyists.
7. Storage Facility: A garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing or parking for motor vehicles.
8. Junked Appliance: Any consumer appliance, including refrigerators, freezers, stoves, ovens, dishwashers, washing machines, dryers, or other major consumer appliances as commonly used in residential homes which is inoperative and has been for a continuous period of more than 120 days.

Location and Presence of Junked Vehicles and Junked Appliances within the City Deemed Public Nuisance; and Exceptions: The location or presence of any junked vehicle, junked vehicles, junked appliance, or junked appliances, on any lot, parcel or tract of land or a portion thereof, either occupied or unoccupied, improved or unimproved within the City Limits shall be deemed a public nuisance; and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding such vehicle or appliance on the property of another or to suffer, permit or allow the same to be placed located, maintained or exist upon his own real property; provided that this section shall not apply in the following circumstances:

1. A vehicle or appliance or a part thereof which is completely enclosed within a building in any lawful manner where it is not visible from the street or other public or private property; or
2. A vehicle or appliance or a part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed motor vehicle dealer, appliance dealer or similar businessman; or
3. In regard to vehicles only, any unlicensed antique automobiles or special-interest stored by a collector on his own private property;

Provided however that the vehicles and appliances as well as the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

Abatement or Removal of Nuisance: Whenever any such public nuisance exists in the City in violation of the provisions of this Ordinance, the City Engineer who shall administer this ordinance, or his agent, or the City Health Officer, shall send or cause to be sent written notice by registered or certified mail, return receipt requested to the owner of the property or the occupant, if any, of the premises where the public nuisance exists to abate or remove the same. Said notice shall specify the nature of the nuisance and shall specify that it must be removed or abated within ten (10) calendar days after delivery of the certified mail notice and specify that a request for a public hearing under Subsection B hereof must be made before the expiration of said 10 day period. If the notice is returned undeliverable by the United States Postal Service, official action by the City to abate the nuisance shall be continued to a date of not less than 10 days from the date of such return.

A public hearing prior to the removal of the vehicles, appliances, or parts thereof, as a public nuisance, shall be held before the governing body of the city or any other Board, Commission or official group of the City as designated by the governing body, when such hearing is requested by the owner or occupant of the premises of which the nuisance is located within 10 calendar days after delivery of the certified mail notice to abate or remove the nuisance. Any order or resolution regarding removal of the vehicle or appliance or a part thereof shall include a complete description of the item in question and shall include correct identification and/or license numbers when available and if the occupant or owner fails to comply with the order entered after such public hearing, he shall be subject to the penalties set forth below.

Removal With Permission of Owner/Occupant: If, within 10 calendar days after receipt of the notice from the City Engineer, or his duly authorized agent, or the City Health Officer, the owner or occupant of the premises fails to abate the nuisance or remove the same as provided above, the owner or occupant of the premises shall give his written permission to the City Engineer, or his agent, or to the City Health Officer, for removal of the junked motor vehicle or junked appliance from the premises, the giving of such permission shall be compliance with the provisions of this ordinance.

Disposal of Junked Vehicles and Junked Appliances: If such public nuisance is not abated or removed by the owner or occupant of the premises after notice is given as provided above, official action shall be taken by the City to remove or abate such nuisance. Junked vehicles or junked appliances or parts thereof may be disposed of by removal to a scrapyard, landfill or other suitable site operated by the City or any commercial enterprise in or near the City for processing as scrap, salvage, or waste. Removal of the same shall be in compliance with the provisions of this ordinance. A junked vehicle must be transferred to a demolisher by a form acceptable to the Texas Highway Department, and 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 Texas Civil Statutes, Article 6687-1, as amended.

After a vehicle or appliance has been removed pursuant to this article, it shall not be reconstructed or made operable by any person.

The City shall give notice to the Texas Highway Department within 5 days after the removal of any junk motor vehicle or any part thereof.

Authority to Enforce: The City Engineer, or his agent, or the City Health Officer, may enter upon private property for the purposes specified in this article to examine vehicles or appliances or parts thereof to obtain information as to the identity of vehicles, appliances or parts thereof and to remove or cause to be removed, vehicles, appliances or parts thereof declared to be nuisance pursuant to the Ordinance. The Municipal Court of the City shall have the authority to issue all orders necessary to enforce this article.

Enforcement and Penalty: If a nuisance, pursuant to this ordinance, is not removed or abated and a hearing is not requested pursuant to the provisions above, a complaint may be filed by an authorized officer in an appropriate court, including the Municipal Court of said City.

Upon conviction or violation of any of the provisions of this ordinance regarding the maintaining of a public nuisance described herein or the permitting or allowing of such nuisance to exist or continue, each such violator shall be punished by a fine no exceeding \$200.00 and each day that the nuisance shall continue after the time for abatement as herein set out shall constitute a separate offense and the court shall order a removal and abatement of the nuisance.

THE FOREGOING RESOLUTION composed of the above and foregoing provisions have been duly presented at a regular meeting of the Aldermen/City Council of the City of Waskom, Texas and upon motion duly made, seconded and approved by a majority of those present, the same has been in all respects adopted and resolved and as a part thereof shall become effective from the 6<sup>th</sup> day of October, 1987.

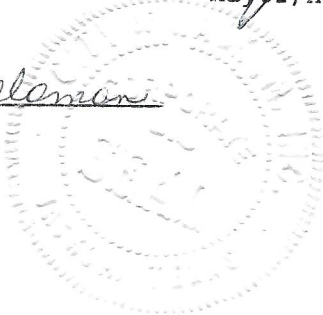
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Nos 0

CITY OF WASKOM, TEXAS:

By: *J. George*  
Mayor/Alderman

Attest: *Marlene Solomon*  
City Secretary



**AMENDMENT TO ORDINANCE NO. 98  
OF THE CITY OF WASKOM , TEXAS REGARDING  
JUNK VEHICLES, APPLIANCES,  
AND OTHER DEBRIS**

The City of Waskom, Texas, acting through its duly elected City Council has previously adopted its Ordinance No. 98 regarding Abatement and Removal of Junk Vehicles, Appliances and Other Debris, which ordinance was adopted and has been effective since the 6 day of October, 19 87.

The City Council of the City of Waskom, Texas has determined that such Ordinance should be amended and that, specifically, the definition of "junked vehicle" as shown in Article I of said Ordinance should be changed so that the term "junked vehicle" as used in said Ordinance No. 98 shall have the same meaning as defined by the State of Texas in Section 683.077 (b) (1) of the Texas Transportation Code as it presently exist or may hereafter be amended.

NOW THEREFORE, the City Council of the City of Waskom, Texas, does hereby order and ordain that Ordinance No. 98 of said City being an Ordinance Regarding the Abatement and Removal of Junked Vehicles, Appliances and Other Debris is hereby modified and amended so that henceforth the definition of "junked vehicles" as used therein shall have the same definition for "junked vehicles" as set forth in Section 683.077 (b) (1) of the Texas Transportation Code as it currently exists or as it may hereafter be amended. All other provisions of said Ordinance No. 98 remain unaffected and are confirmed and ratified to be in full force and effect.

DONE, ORDAINED and ADOPTED on this the 14 day of August, 2001, by the City Council of the City of Waskom, Texas, in open meeting in the City Council of the city of Waskom, Texas.

CITY OF WASKOM

By: Jesse W. Moore  
JESSE W. MOORE, Mayor

Attest:

Marlene Solomon  
MARLENE SOLOMON, City Secretary



AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF HARRISON

BEFORE ME, the undersigned authority, on this day personally appeared Carmen Peadley, to me well known, who, being by me first duly sworn, on oath did depose and say as follows:

"My name is Carmen Peadley and I am the publisher of The Mid-Cities Caller, a newspaper published in the English language in Harrison County, Texas. I do certify that such newspaper has been published continuously, without interruption on a weekly basis for a period in excess of one year, is a newspaper of general interest and is a newspaper qualified in all respects under the laws of the State of Texas for the publication of legal notices.

"Attached to the reverse side of this affidavit is a true and correct copy of a notice which was published one time per week for 1 successive weeks, the dates of such publications being as follow:

the 1 day of Oct, 1987

the \_\_\_\_\_ day of \_\_\_\_\_, 1986;

the \_\_\_\_\_ day of \_\_\_\_\_, 1986;

the \_\_\_\_\_ day of \_\_\_\_\_, 1986;

"The charge or fee for such publication was \$ 13.44 .

"I further state that I am the publisher of said newspaper and I am not disqualified in any way from making this affidavit."

Carmen Peadley  
Publisher

SWORN TO AND SUBSCRIBED before me by Carmen Peadley  
this the 1 day of Oct, 1987.

[Signature]  
Notary Public in and for  
The State of Texas

copy of notice as published on reverse side.)

**NOTICE OF ORDINANCE**  
On June 3rd, 1986, the city council of Waskom adopted ORDINANCE NO. 86 establishing standards and specifying duties in regard to litter, excessive growth of vegetation, and accumulations of waste, and accumulations of stagnant water. Violation of the litter regulations carries a fine of not less than \$50 nor more than \$1,000. Violation of the excessive growth of vegetation, accumulations of waste, and accumulations of stagnant water carries a fine of not more than \$200 for each offense, with each and every day's violation constituting a separate offense.

PUBLISHERS  
CERTIFICATE

STATE OF TEXAS

COUNTY OF HARRISON

Personally appeared before  
the undersigned, a notary  
public within and for said  
county and state, WES  
PENDLEY, publisher of the  
MID-CITIES CALLER, a  
newspaper published at  
City of Waskom, county of  
Harrison, state of Texas,  
who, being duly sworn,  
states under oath that the  
item attached hereto is a  
true copy and was  
published in said  
newspaper in its issue of  
the 19<sup>th</sup> day of October  
1987.

*Wes Pendley*  
Publisher

LEGAL NOTICES  
NOTICE OF ORDINANCE  
In regular session on Oct. 6, 1987,  
the Waskom Board of Aldermen  
passed Ordinance No. 98. The ordi-  
nance establishes standards regard-  
ing abatement and removal of junked  
vehicles, appliances and other debris.  
Violation of this ordinance carries a  
fine not exceeding \$200 with each  
day constituting a separate offense.

Sworn to and subscribed

before me this 19<sup>th</sup>

day of October 1987

*Debbie North*  
Notary Public

My commission expires

8-31, 1991

# Proof of Publication

from

## MARSHALL NEWS MESSENGER

P.O. BOX 730

MARSHALL, TX. 75670

(903) 935-7914

#513344 \$142.00

STATE OF TEXAS  
COUNTY OF HARRISON

On this 3rd day of December, 20 01

personally appeared before me the undersigned, a Notary Public in  
and for said county and state.

DIANNE GRAY

of the MARSHALL NEWS MESSENGER, a daily newspaper published  
at MARSHALL, County of HARRISON, State of TEXAS, who, being by  
me duly sworn, states that the attached advertisement, a true copy of  
which is hereto annexed, was published in said newspaper in its issues  
thereof on the following dates:

<u>20th</u>	day of <u>November</u>	20 <u>01</u>
<u>21st</u>	day of <u>November</u>	20 <u>01</u>
_____	day of _____	20 _____
_____	day of _____	20 _____
_____	day of _____	20 _____
_____	day of _____	20 _____

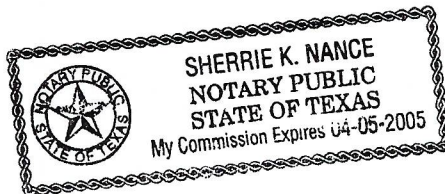
DIANNE GRAY

Subscribed and sworn to before me this 3rd  
day of December 20 01.

Sherrie K. Nance

Notary Public, Harrison County, Texas

My Commission expires 4-5-05



### NOTICE

The Board of Alderman of the City of Waskom amended the following Ordinances on August 14, 2001:

Ordinance No. 98 changing the definition of "junked vehicle" to have the same meaning as defined by the State of Texas in Section 683.077 (b) (1) of the Texas Transportation Code as it presently exist or may hereafter be amended.

Ordinance No. 185 "Curfew Hours for Minors" Section 1, (A) (1) (b) previously read "12:01 a.m. until 6:00 a.m. on any Saturday and Sunday but shall hereafter read and is hereby amended to read as follows:

12:01 a.m. until 6:00 a.m. on any Friday and Saturday.

Ordinance No. 195 changing the Municipal Court Technology Fund fee from 1.75 to 2.00.

Ordinance No. 211 changing the regular meeting date from the 1st Tuesday to the second Tuesday of each month.