

CITY OF COUPLAND, TEXAS

ORDINANCE No. 2025-05-20-03

AN ORDINANCE OF THE CITY OF COUPLAND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COUPLAND, TEXAS; DECLARING JUNKED VEHICLES A NUISANCE; PROVIDING DEFINITIONS REGARDING JUNKED VEHICLES; PROVIDING FOR THE REMOVAL AND IMPOSITION OF FEES, VIOLATIONS, AND PENALTIES REGARDING JUNKED VEHICLES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Coupland, Texas, desires to declare junked vehicles a nuisance to protect the health and safety of the citizen of the City of Coupland, Texas, and provide for the procedures by which they may be identified and removed; and

WHEREAS, the City Council of the City of Coupland, Texas, that the following provisions are consistent with Texas law and reasonable and necessary to effectively to protect the health, safety, and welfare of the Citizens of Coupland, Texas, and regulate junked vehicles.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Junked Vehicles. The City of Coupland hereby adopts the Junked Vehicle Ordinance attached hereto as EXHIBIT A and incorporated by reference herein.

Section 3. Designated Official. The City Council of the City of Coupland hereby designates the Mayor of Coupland as the Designated Official for purposes of the Junked Vehicle Ordinance.

Section 4. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are amended to the extent of such conflict or inconsistency. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Coupland, the terms and provisions of this ordinance control.

Section 5. Savings Clause. The City Council of the City of Coupland, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

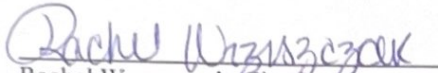
Section 6. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 8. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS 20th DAY OF May, 2025.

ATTEST:


Rachel Wrzuszcak, City Secretary

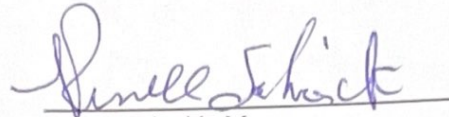

Russell Schmidt, Mayor

EXHIBIT A
Junked Vehicles.

I. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antique vehicle means a passenger car or truck that is at least 25 years old.

Designated Official means the city official designated by the City Council of the City of Coupland to administer the abatement procedures described herein.

Junked vehicle means any motor vehicle which is self-propelled and (1) wrecked, dismantled, or partially dismantled, or (2) discarded, or is inoperable and has remained inoperable for more than 72 consecutive hours on public property or 30 consecutive days, on private property, and (3) does not display a licensed plat or displays an expired license plate.

Motor vehicle collector means a person who:

- (1) Owns one or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

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

II. Junked vehicles declared a nuisance; duty of property owners

- (a) A junked vehicle including a part of a junked vehicle, that is visible from a public place, public right-of-way, or other public or private property is declared to be a public nuisance, pursuant to and subject to abatement as set out hereunder.
- (b) It shall be unlawful for any person to perform, permit, suffer, maintain, allow, or keep a public nuisance, as determined under subsection (a) of this section, within the city.
- (c) It shall be unlawful for any person to knowingly or intentionally interfere with or attempt to prevent the physical impounding of any junked vehicle, including a part of a junked vehicle, by the chief of police or his designee pursuant to this article.
- (d) This article does not apply to:
 - (i) A vehicle or part of a vehicle 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;
 - (ii) A vehicle or part of a vehicle that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard;
or

- (iii) An antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle and the outdoor storage area is maintained in an orderly manner so 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.

III. Notice to abate nuisance.

- (a) Whenever a junked vehicle or part of a vehicle is found to be a nuisance and not excepted as provided hereinabove, the Designated Official shall give notice to the owner or occupant of the premises whereon such public nuisance exists to remove and abate the same.
- (b) Such notice shall:
 - (i) Be in writing.
 - (ii) State the nature of the public nuisance and that it must be removed and abated within ten days from receipt of the notice.
 - (iii) State that a request for a hearing must be made to the Designated Official in writing, before the expiration of said ten-day period.
 - (iv) State that in the event that no request for a hearing is received before the expiration of said ten-day period official action to remove and abate the nuisance will be taken.
- (c) The notice must be personally delivered, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:
 - (i) The last known registered owner of the nuisance;
 - (ii) Each lienholder of record of the nuisance; and
 - (iii) The owner or occupant of:
 - (1) The property on which the nuisance is located; or
 - (2) If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (d) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the vehicle declared to be a nuisance or, if the owner is located, personally delivered.
- (e) If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than 11 days after the date of the return.
- (f) If the owner or occupant does not request a public hearing and either fails or refuses to abate the nuisance within the ten-day period after service the notice, the Designated Official shall effectuate the taking of possession of such junked motor vehicle and remove it from the premises.

IV. Public Hearing.

- (a) The Designated Official is hereby authorized to conduct the hearings under this article.
- (b) The owner of a junked vehicle, or occupant of any premises or the owner or occupant of the premises adjacent to the public right-of-way on which a junked vehicle is located, may, within ten days after service of a notice to abate said nuisance, request a public hearing with the Designated Official. Upon the timely receipt of such a notice, the Designated Official shall set time and date of such hearing.
- (c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (d) The Designated Official shall conduct all hearings, as set out herein, and shall determine by a preponderance of the evidence whether or not the motor vehicle is a junked motor vehicle and in violation of this ordinance. Such hearing shall not be criminal in nature and shall be as summary as due process and orderly procedure allows. Upon finding that such motor vehicle is in violation of this article, the Designated Official shall order such owner or occupant to remove and abate such nuisance within ten days. If the owner or occupant fails or refuses to remove the nuisance within 10 days the Designated Official may issue an order directing the junked vehicle be removed. Such an order shall include a description of the vehicle, and the current identification number and license number of the vehicle or any other identifying information available.

V. Abatement under order.

If there is a junked motor vehicle or part of a vehicle on premises and neither the owner nor the occupant of the premises can be found and notified to remove same; or the notice required by section III hereinabove is returned undelivered by the U.S. Post Office or notice was placed on the vehicle or part of vehicle, and 11 days after the return of such notice the nuisance has not been abated, then upon a showing of such facts to Designated Official may issue an order directing the junked vehicle removed.

VI. Notice to the state department of highways and public transportation.

Notice shall be given to the state department of motor vehicles that a junked vehicle has been impounded within five days after the removal of the junked motor vehicle as provided for in this ordinance identifying the vehicle or part thereof impounded.

VII. Disposition of impounded and junked vehicles.

The Designated Official shall dispose of all impounded junked vehicles or parts of junked vehicles in such a manner as the city council may designate, consistent with state law, provided such vehicle shall not be reconstructed or made operable. Disposal may be by removal or sale, with or without competitive bidding, to a scrapyard or demolisher.

VIII. Fees.

The Designated Official is hereby authorized to charge fees as established by the city council and on file in the city secretary's office for the expenses of the impoundment, storage, and disposal of junked vehicles authorized herein. Funds from fees or sale of junked vehicles shall be deposited into the general fund of the city.