

CITY OF COUPLAND, TEXAS

ORDINANCE No. 2025 - 05 - 20 - 02

AN ORDINANCE OF THE CITY OF COUPLAND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COUPLAND, TEXAS; MAKING ABANDONING CERTAIN VEHICLES UNLAWFUL; PROVIDING DEFINITIONS; PROVIDING FOR THE REMOVAL AND IMPOSITION OF FEES, VIOLATIONS, AND PENALTIES REGARDING ABANDONED 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 make it unlawful to abandon certain vehicles 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 Abandoned Vehicle Ordinance attached hereto as EXHIBIT A and incorporated by reference herein.

Section 3. 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 4. Savings Clause. The City Council of the City of Coupland, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, word 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 5. 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.

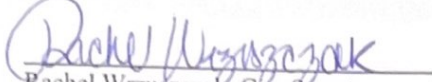
Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place,

and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 7. 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 Wrzuszczak, City Secretary

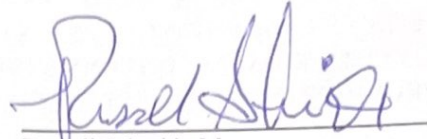

Russell Schmidt, Mayor

EXHIBIT A
Abandoned 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:

Aircraft means a device that is invented, used, or designated for air navigation or flight, other than a parachute or other device used primarily as safety equipment.

Motor vehicle means a vehicle that is subject to registration under Texas Transportation Code Chapter 501.

Outboard motor means an outboard motor subject to registration under Chapter 31 of the Texas Parks and Wildlife Code.

Watercraft means a vessel subject to registration under Chapter 31 of the Texas Parks and Wildlife Code.

II. Abandoning vehicles unlawful.

(a) For the purposes of this article, a motor vehicle, aircraft, outboard motor or watercraft is abandoned if:

- i. It is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours, or
- ii. It has remained illegally on public property for more than 48 hours, or
- iii. It has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours.

(b) It shall be unlawful for any person to abandon any motor vehicle, aircraft, outboard motor, or watercraft, as defined in this ordinance, within the city limits of the City of Coupland, Texas.

III. Authority to take abandoned motor vehicle into custody.

(a) The designated law enforcement agency ("LEA") agency may take into custody an abandoned motor vehicle, aircraft, outboard motor, or watercraft found on public or private property.

(b) The LEA may use police personnel, equipment and facilities or contract for other personnel, equipment, and facilities, to remove, preserve, store, send notice regarding, and dispose of an abandoned motor vehicle, aircraft, outboard motor, or watercraft under this ordinance following notice as provided in Section IV herein.

IV. Lien on impounded property.

The city shall have a lien on such impounded personal property for all costs incurred in impounding, storing, and advertising such property and such lien shall be prior and superior to all other liens of every kind, save and except liens for property taxes, and the city may retain possession thereof until all costs are paid and may sell the same as herein provided.

V. Notice.

(a) The LEA shall send notice of abandonment to:

(i) The last known registered owner of each motor vehicle, aircraft, watercraft, or outboard motor taken into custody or for which a report is received under V.T.C.A., Transportation Code § 683.031; and

(ii) Each lienholder recorded:

(1) Under chapter 501 for the motor vehicle;

(2) With the Federal Aviation Administration or the secretary of state for the aircraft; or

(3) Under Texas Parks and Wildlife Code, Chapter 31, for the watercraft or outboard motor.

(iii) If the city takes into custody an aircraft, the city shall contact the Federal Aviation Administration in the manner described by the Texas Transportation Code § 22.901 to attempt to identify the owner of the aircraft before sending the notice required by this subsection (a).

(b) The notice under subsection (a) of this section must:

(i) Be sent by certified mail not later than the tenth day after the date the agency takes the abandoned motor vehicle, aircraft, watercraft, or outboard motor into custody;

(ii) Specify the year, make, model, and identification number of the item;

(iii) Give the location of the facility where the item is being held;

(iv) Inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of:

(1) Towing, preservation, and storage charges; or

(2) State that failure of the owner or lienholder to claim the item during the period specified by subsection (b)(iv) of this section is:

(a) A waiver by that person of all right, title, and interest in the item; and

(b) Consent to the sale of the item at a public auction.

(c) If the identity of the last registered owner cannot be determined, or the registration does not have an address for the owner, or the determination with reasonable certainty of the identity

and address of all lienholders is impossible, notice may be provided by publication in one newspaper of general circulation in the area where the motor vehicle, aircraft, watercraft, or outboard motor was abandoned. Such a notice must:

- (i) Be published in the same period that is required by subsection b of this section for notice by certified mail and contain all of the information required by that subsection; and
- (ii) May contain a list of more than one abandoned motor vehicle, aircraft, watercraft, or outboard motor.

(d) In addition to the notice required under subsection (a) of this section, if the LEA takes an abandoned motor vehicle into custody, the agency shall notify a person that files a theft report or similar report prepared by any law enforcement agency for the vehicle of that fact. The notice must be sent by regular mail on the next business day after the agency takes the vehicle into custody. The LEA shall also provide the name and address of the person that filed the theft report.

VI. Storage Fees.

The LEA that takes into custody an abandoned motor vehicle, aircraft, watercraft, or outboard motor is entitled to reasonable storage fees:

- (a) For not more than ten days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and
- (b) Beginning on the day after the day the agency mails notice and ending on the day accrued charges are paid and the vehicle, aircraft, watercraft, or outboard motor is removed.

VII. Redemption.

The owner or any person legally entitled to possession of such impounded personal property may redeem the same as follows:

- (a) Before sale. By paying to the LEA the impounding fee and any other actual expenses incurred by the city in impounding and keeping the impounded property, as determined by the LEA.
- (b) After sale. By paying to the buyer at the auction sale double the amount paid by him for such personal property and any reasonable expenses incurred by him for keeping same; providing that the said property must be redeemed from the auction buyer within 30 days after the date of the auction sale, excluding the date of sale; otherwise, title to said property shall become absolute in the auction buyer.

VIII. Auction or use of abandoned items; waiver of rights.

If an abandoned motor vehicle, aircraft, watercraft or outboard motor is not claimed under section VI:

- (a) The owner or lienholder waives all rights and interests in the item; and consents to the sale of the item by public auction or the transfer of the item, if a watercraft, as provided by this section; and

(b) The city may sell the item at a public auction, transfer the item, if it is a watercraft, as provided by this section.

(c) Proper notice of the auction shall be given.

(d) The purchaser of a motor vehicle, aircraft, watercraft or outboard motor:

(i) Takes title free and clear of all liens and claims of ownership;

(ii) Shall receive a sales receipt from the city; and

(iii) Is entitled to register the motor vehicle, aircraft, watercraft, or outboard motor with and receive a certificate of title from the appropriate authority.

IX. Disposal of proceeds of auction sale.

(a) The city is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor for:

(i) The cost of the auction;

(ii) Towing, preservation and storage fees resulting from the taking into custody; and

(iii) The cost of notice or publication as required by Texas Transportation Code § 683.012.

(b) After deducting the reimbursement allowed under subsection (a) of this section, the proceeds of the sale shall be held for 90 days for the owner or lienholder of the vehicle.

(c) After the period provided by subsection (b) of this section, proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage

X. Records.

The city secretary's office shall keep a record book which shall contain a description of all property impounded, the date and time of such impounding, the date notices of sale were posted and advertised and mailed to owners and lien holders, the return of receipts of registered notices, the date of the sale at auction, the amount realized for each article at such sale, the name and address of the owner and lien holders, if known, the name and address of the auction buyer, and any such other information as he may deem necessary.