

ORDINANCE NO. 347

AN ORDINANCE OF THE CITY OF ARCHER CITY, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES TO REVISE ARTICLE 8.03 JUNKED AND ABANDONED VEHICLES, SECTION 8.03.002 DEFINITIONS AND SECTION 8.03.063 PROCEDURES FOR ABATEMENT OF PUBLIC NUISANCE; PROVIDING A PENALTY; ESTABLISHING THE SEVERABILITY OF THIS ORDINANCE AND PROVIDING FOR ANY CONFLICTING PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCHER CITY, TEXAS:

ARTICLE I. CODE AMENDED

That the Code of Ordinances be revised in Article 8.03 Junked and Abandoned Vehicles to read as follows:

Sec. 8.03.002 Definitions

(a) Is amended to read:

Junked vehicle. A vehicle that is self-propelled and:

- (1) Does not have lawfully attached to it:
 - (A) A valid motor vehicle registration certificate; and/or
- (2) Is:
 - (A) Wrecked, dismantled or partially dismantled, or discarded; or
 - (B) Inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.

Sec. 8.03.063 Procedures for abatement of public nuisance

(a) Is amended to read:

(5) If the vehicle is not removed or otherwise brought into compliance, and a public hearing is requested before the expiration of ten (10) days or more after mailing or personal delivery of notice to abate the nuisance, a hearing will be held prior to the removal of the vehicle, or part thereof as a public nuisance, before the chief of police. Should the chief of police find that such vehicle is a public nuisance as defined herein, he/she shall enter an order requiring the removal of the vehicle or part thereof from the public or private property or public right-of-way where it is situated, and such order shall include a description of the vehicle, identification number, and license number of the vehicle, if available. Any aggrieved city officer, owner or lienholder may appeal any such decision of the chief of police to the city council.

ARTICLE II. PENALTY

Any person convicted of violating any provision of this article shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed two hundred dollars (\$200.00) and each day of such violation shall be a separate violation. (Ordinance 246-B, sec. 172.006, adopted 5/31/07)

ARTICLE III. CONFLICTING PROVISIONS

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE IV. SEVERABILITY OF ORDINANCE

If any section, subsection, sentence, phrase, or word of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

ARTICLE V. EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after its publication in the *Archer County News*.

PASSED AND APPROVED this the 20th day of February, 2020.

Kelvin Green, Mayor

ATTEST:

Kim Whitsitt, City Secretary