

ORDINANCE NO. O-2008-65

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 18, "STREETS", ARTICLE III., "ABATEMENT OF JUNKED VEHICLES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING THE DEFINITION OF "JUNKED VEHICLE" TO REQUIRE THE ABSENCE OF BOTH A LICENSE PLATE THAT HAS BEEN VALIDATED BY THE ATTACHMENT OF A REGISTRATION INSIGNIA FOR THE CURRENT REGISTRATION PERIOD AND A VALID MOTOR VEHICLE INSPECTION CERTIFICATE IN ACCORDNACE WITH STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare;
and

WHEREAS, pursuant to Texas Transportation Code Chapter 683, the City Council has adopted junked vehicle regulations in City Code Chapter 18, Article III.; and

WHEREAS, the 2007 Legislative Session amended state law, at Texas Transportation Code Section 683.071, by substituting the word "and" for "or" in Subsection (1)(A), thereby requiring both a license plate that has been validated by the attachment of a registration insignia and a valid motor vehicle inspection certificate must be absent from a vehicle before the vehicle may be designated as a "junked vehicle.

WHEREAS, to ensure consistency with state law, it is recommended that the City Code be amended to conform the definition of "junked vehicle" to recent changes in state law.

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

PART 1: That Tyler City Code Chapter 18, "Streets", Article III., "Abatement of Junked Vehicles", is hereby amended to read as follows:

ARTICLE III. ABATEMENT OF JUNKED VEHICLES OR VEHICLE PARTS

Sec. 18-30. Definitions.

In this Article, the following words shall have the meanings described below and in State law:

Antique vehicle means a passenger car or truck that is at least twenty-five (25) years old.

Collector means the owner of one (1) or more antique or special interest vehicles who acquires, collects, or disposes of antique or special interest vehicles or parts thereof for personal use in order to restore and preserve an antique or special interest vehicle for historic interest.

Demolisher means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Junked vehicle or vehicle part means a motor vehicle that is self-propelled and:

1. does not have lawfully affixed to it:
 - (a) a license plate that is for the current period and that has been validated by the attachment of a registration insignia for the registration period in effect; and
 - (b) a valid motor vehicle inspection certificate; and
2. is wrecked, dismantled, partially dismantled, or discarded; or
3. is inoperable and has remained inoperable for more than seventy-two (72) consecutive hours if the vehicle is on public property, or is inoperable and has remained inoperable for more than thirty (30) consecutive days if the vehicle is on private property.

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

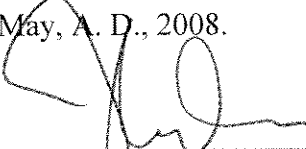
Storage facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing or parking of motor vehicles. (Ord. No. 0-97-54, 11/5/97; Ord. No. 0-98-20, 3-18-98) (Ord. No. 0-2001-56, 11/28/2001) (Ord. No. 0-2007-49, 4/25/2007) (Ord. No. 0-2008-65, 5/14/08)

Secs. 18-37 - 18-39. Reserved.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be May 16, 2008.

PASSED AND APPROVED this 14th day of May, A. D., 2008.



JOSEPH O. SEEBER, MAYOR OF THE
CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



MARY C. SANDERS, CITY ATTORNEY

