

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING REGULATIONS RELATING TO JUNKED VEHICLES AS PUBLIC NUISANCES; PROVIDING FOR THE ABATEMENT AND REMOVAL OF JUNKED VEHICLES; PROVIDING FOR NOTICE, HEARINGS, AND ENFORCEMENT; PROVIDING PENALTIES; REPEALING CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pflugerville, Texas, finds that junked vehicles, as defined by Chapter 683, Subchapter E, Texas Transportation Code, constitute a public nuisance that must be abated; and

WHEREAS, the accumulation and storage of junked vehicles creates conditions that are detrimental to the health, safety, and welfare of the public, and adversely affect the value of surrounding properties; and

WHEREAS, the City Council finds it necessary to adopt and implement local regulations consistent with state law for the identification, notice, and removal of junked vehicles within the city limits;

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

SECTION 1. 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. Title IX, Chapter 93 of the City of Pflugerville, Texas Code of Ordinances, is hereby amended in its entirety by replacing it with Exhibit A, as attached.

SECTION 3. Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

SECTION 4. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 5. This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED THIS _____ day of _____, 2026

**CITY OF PFLUGERVILLE,
TEXAS**

By: _____
Doug Weiss, Mayor

ATTEST:

TRISTA EVANS/City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, PC

EXHIBIT A

CHAPTER 93 JUNKED MOTOR VEHICLES

Sec. 93.01. Definitions.

- (1) Antique Vehicle. A passenger car or truck that is at least 25 years old.
- (2) In this Chapter, "junked vehicle" means a vehicle that is self-propelled and:
 - (a) Is wrecked, dismantled, or partially dismantled, or discarded; or
 - (b) Is 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; and
 - (c) A motor vehicle that displays:
 - (i) An expired license plate or does not display a license plate; or
 - (ii) An expired registration sticker or does not display a registration sticker; or
 - (d) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47, as amended; or
 - (e) A watercraft that:
 - (i) Does not have lawfully on board an unexpired certificate of number; and
 - (ii) Is not a watercraft described by Section 31.055, Parks and Wildlife Code, as amended.
- (4) Special Interest Vehicle. 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.
- (5) Motor Vehicle Collector. A person who:
 - (a) Owns one or more antique or special interest vehicles; and
 - (b) 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.

Sec. 93.02. Junked Vehicle Statute adopted.

(1) Except as set forth herein, all definitions contained in V.T.C.A., Transportation Code ch. 683, sub ch. E, entitled "Junked Vehicles; Public Nuisance; Abatement" are expressly incorporated into this Chapter and adopted, including all amendments thereto.

Sec. 93.03. Junk Vehicle Declared To Be Public Nuisance.

(1) A junked vehicle, including a part of a junked vehicle, that is visible at any time of year from a public place or public right-of-way:

- (a) Is detrimental to the safety and welfare of the public;
- (b) Tends to reduce the value of private property;
- (c) Invites vandalism;
- (d) Creates a fire hazard;
- (e) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (f) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (g) Is a public nuisance.

Sec. 93.04. Exceptions.

The provisions in this Chapter shall not apply to:

- (1) Any vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from a street or other public or private property;
- (2) Any vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junk yard;
- (3) Operable or inoperable, antique or special interest vehicles stored by a motor vehicle collector on the collector's property; provided that, the vehicles and outdoor storage areas are maintained in such an orderly manner as 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.

Sec. 93.05. Notification.

(1) Whenever any such nuisance is within the City limits in violation of this Chapter, the Building Official or designee shall provide notice of the nature of the nuisance. Such notice shall:

- (a) Be in writing;

- (b) Specify the nature of the nuisance on private property, public property, or on the public right-of-way, as the case may be, and its location;
- (c) Specify that the nuisance must be abated and removed not later than the tenth day after the date on which the notice was mailed;
- (d) Specify that a request for a hearing must be made before the expiration of the ten-day period set forth in Subsection 93.06 of this Section; or
- (e) Be personally delivered or mailed by certified mail with a five-day return requested, to:
 - (i) The last known registered owner of the nuisance;
 - (ii) Each lien holder of record of the nuisance; and
 - (iii) The owner or occupant of:
 - (iv) The property on which the nuisance is located; or
 - (v) The property adjacent to the right-of-way, if the nuisance is located on a public right-of-way.

(2) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered. Action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of posting or hand delivering of the notice.

(3) In the event any notice mailed is returned undelivered or undeliverable, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return of the notice.

(4) If no party is listed under Section 93.05 properly and timely requests a hearing pursuant to Section 93.06, then such failure shall be deemed an admission by each party that the automobile or part thereof is a nuisance, and the Building Official or designee shall have the authority to remove the vehicle and abate the nuisance in accordance with the Chapter and State law.

Sec. 93.06. Hearing request.

In the event that any party listed under Section 93.05 desires the hearing provided for in this Chapter, the party shall, within ten days of the date the notice provided pursuant to Section 93.05 is mailed or hand-delivered, present such a request in writing to the Judge of the Municipal Court, who shall set a date, time, and place for said hearing not earlier than the eleventh day after the date of service of the notice.

Sec. 93.07. Conduct of hearing.

When a hearing before the Judge of the Municipal Court is requested pursuant to Section 93.06:

- (1) Such hearing shall not be held earlier than the 11th day after the date of the service of the notice provided pursuant to Section 93.05.
- (2) The Judge of the Municipal Court shall conduct the hearing and shall determine whether the party is in violation of this Chapter.
- (3) At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (4) Upon finding that such party is in violation of this Chapter, the Judge of the Municipal Court shall order such party to remove and abate such nuisance within ten days. If the party fails and refuses to remove and abate such nuisance within the allotted time, the Building Official or designee shall take possession of such nuisance and remove it from its location in accordance with this Chapter and State law.
- (5) The relocation of a junked vehicle found to be a nuisance to another location in the City after a proceeding for the abatement and removal of the nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.
- (6) If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include:
 - (a) For a motor vehicle, the vehicle's:
 - (i) Description;
 - (ii) Vehicle identification number; and
 - (iii) License plate number;
 - (b) For an aircraft, the aircraft's:
 - (i) Description; and
 - (ii) Federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
 - (c) For a watercraft, the watercraft's:
 - (i) Description; and
 - (ii) Identification number as set forth in the watercraft's certificate of number.

Sec. 93.08. Abatement of nuisance; removal of junked motor vehicles.

- (1) If no authorized party requests a hearing within ten days of the notice provided pursuant to Section 93.06, or if the party who requested a hearing fails to remove or abate the nuisance

within ten days of the date of the Municipal Court Judge's order under Section 93.07, the Building Official or designee may remove or cause to be removed the junked vehicle which was the subject of such notice or order.

(2) If within ten days of receipt of the notice provided pursuant to Section 93.05 the owner or occupant of the premises provides written permission to the Building Official or designee to remove the junked vehicle from the premises, such permission shall be considered compliance with the provisions of this Chapter, and the Building Official or designee may remove or cause to be removed the junked vehicle which was the subject of such notice.

(3) In no event shall a junked vehicle be made operable or reconstructed after removal.

(4) The Building Official or designee shall give notice to the Texas Department of Transportation of the removal not later than the fifth day after the date of removal; said notice shall identify the vehicle or part of the vehicle removed.

(5) The Building Official or designee shall give notice to the Texas Parks and Wildlife Department of the removal of any watercraft pursuant to this Chapter not later than the fifth day after the date of removal; said notice shall identify the watercraft or part of the watercraft removed.

(6) A person authorized to administer the procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

Sec. 93.09 Junked vehicle disposal.

(1) A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by the City.

(2) The City may operate a disposal site if the City Council determines that commercial disposition of junked vehicles is not available or is inadequate. The City may:

(a) Make final disposition of a junked vehicle or vehicle part; or

(b) Transfer the junked vehicle or part to another disposal site if the disposal is scrap or salvage only.

Sec. 93.10 Authority to enforce provisions.

(1) The Building Official or designee has full responsibility for the administration of this Chapter by regularly salaried, full-time employees of the City, except that any authorized person may remove the nuisance.

- (2) The Building Official or designee is authorized to enter private property to examine a nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.
- (3) An appropriate court may issue orders necessary to enforce this ordinance, as well as, upon application therefore, warrants to authorized code enforcement officials who desire to enter upon private property to execute the authority herein granted.
- (4) Nothing in this Chapter shall be construed to affect ordinances or statutes that permit the immediate removal of a motor vehicle left on public property that constitutes an obstruction to traffic.

Sec. 93.11 Violation—Penalties.

- (1) It is unlawful for a person to maintain a public nuisance described in Section 93.03.
- (2) Any person violating any of the provisions of this Chapter upon conviction, shall be subject to a fine not to exceed \$200.00 and shall be ordered to abate or remove the nuisance within ten days of said conviction. If, after the expiration of the allotted time to remove the nuisance, the party has not caused or allowed the nuisance to be removed from the premises, the defendant shall have committed an additional violation of this Chapter and be subject to an additional penalty for each day thereafter.
- (3) Each transaction in violation of any provisions of this Chapter shall be deemed a separate offense.
- (4) Each day a public nuisance is allowed to continue after it has been duly determined to be such shall constitute a separate violation.

Sec 93.12 Scrapping.

The city may enter into a contract with a commercial enterprise (sometimes herein called “impounder”), capable of picking up and disposing of junked vehicles, and authorizing said enterprise to pick up and dispose of vehicles or parts thereof, found to be public nuisances.

Sec 93.13 Cost.

The net costs of disposing of such vehicle shall be charged against the party given notice by the Building Official as above stated, or such other person as may be responsible for such a vehicle, and such person shall be indebted to the city for the net costs. By net costs is meant the cost of pick up, demolition of and scrapping. Should these be a positive value, after deducting such costs, it shall be refunded to the person given notice, or such person as may be found to be the owner. Nothing herein shall prevent the imposition of a fine or penalty as herein provided.