

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE IX: GENERAL REGULATIONS OF THE CITY OF MANSFIELD CODE OF ORDINANCES, AS AMENDED, BY CHAPTER 93, “JUNKED VEHICLES,” TO AMEND THE DEFINITION OF JUNKED VEHICLE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, Title IX of the City of Mansfield Code of Ordinances provides for the regulation of certain conditions in the City adopted to protect the public health, safety, and welfare of the City;

WHEREAS, Chapter 683, Subchapter E of the Texas Transportation Code declares junked vehicles a nuisance and provides authority for the City to regulate junked vehicles in accordance with the terms of that subchapter;

WHEREAS, the City has adopted junked vehicles regulations;

WHEREAS, the definition of junked vehicle in state law has changed; and

WHEREAS, the City Council finds that amendment of the definition of junked vehicle in the City’s junked vehicle regulations to be consistent with state law is in the best interest of the City and the public health, safety, and welfare of the City.

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

SECTION 1.

That Chapter 93, “Junked Vehicles,” in Title IX, “General Regulations,” of the Code of Ordinances of the City of Mansfield, as amended, is hereby amended by amending Sec. 93.01, “Definitions,” to amend the definition of Junked Vehicle to read as follows:

“**JUNKED VEHICLE.** A motor vehicle that is self-propelled and:

- (1) displays an expired license plate or does not display a license plate; and
- (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.

The term “junked vehicle” shall also include:

- (1) 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; and
- (2) a watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by V.T.C.A., Parks and Wildlife Code § 31.055.”

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Mansfield and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

SECTION 4.

That all rights or remedies of the City of Mansfield, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding nuisances or junked vehicles that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined as provided for in this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Mansfield is hereby directed to publish the caption and penalty clauses of this ordinance at least once in the official newspaper of the City of Mansfield.

SECTION 7.

This Ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THE _____ DAY OF _____, 2017.

SECOND READING APPROVED ON THE _____ DAY OF _____, 2017.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney