

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 93, “JUNKED VEHICLES,” OF TITLE IX, “GENERAL REGULATIONS,” OF THE CODE OF MANSFIELD, TEXAS, AMENDING SECTION 93.01 “DEFINITIONS”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas (“City”), 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 Texas Local Government Code; and

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; and

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; and

WHEREAS, the City Council finds that the amendment of the definition of junked vehicle in the City’s junked vehicle regulations to be consistent with state laws 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

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

SECTION 2

Section 93.01, “Definitions” of Chapter 90, “Junked Vehicles,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby amended by amending the definition 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:
 - 1. Seventy-two consecutive hours, if the vehicle is on public property; or
 - 2. Thirty consecutive days, if the vehicle is on private property.

The term **JUNKED VEHICLE** shall also include:

- (1) A motor vehicle, aircraft, or watercraft for which the following shall apply:
 - (a) A motor vehicle displays an expired license plate or does not display a license plate;
 - (b) 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~~ or
 - (2c) A watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Tex. Parks & Wildlife Code § 31.055.”

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Hundred and No/100 Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 13

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Mansfield, Texas, as amended, or any other ordinances affecting standards, registration, and inspection requirements for multi-family dwelling complexes which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 14

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 15

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

DULY PASSED on the first and final reading by the City Council of the City of Mansfield, Texas, this ____ day of _____, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney