

ORDINANCE # 3-17-94

AN ORDINANCE PROHIBITING ABANDONED AND JUNKED MOTOR VEHICLES THAT ARE MORE THAN EIGHT (8) YEARS OF AGE OR INOPERABLE WITH NO CURRENT REGISTRATION AND NO CURRENT INSPECTION ON ANY PRIVATE OR PUBLIC PROPERTY OR ANY VEHICLE LEFT UNATTENDED FOR MORE THAN FORTY-EIGHT (48) HOURS ON PUBLIC RIGHT OF WAY WITHIN THE CITY LIMITS OF BERRYVILLE, TEXAS: SETTING A FINE OF NOT LESS THAN FIFTY (\$50.00) DOLLARS NOR MORE THAN TWO HUNDRED (\$200.00) DOLLARS AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERRYVILLE, TEXAS;

SECTION 1.

It shall be unlawful for any motor vehicle that is inoperable and over eight (8) years old and is left unattended on public RIGHT OF WAY for more than forty-eight (48) hours. A NOTICE OF NOT LESS THAN TEN (10) DAYS, STATING THE NATURE OF THIS PUBLIC NUISANCE ON PUBLIC PROPERTY, AND THAT IT MUST BE REMOVED WITHIN TEN DAYS (10). THIS NOTICE WILL BE SENT BY CERTIFIED MAIL WITH A FIVE (5) DAY RETURN RECEIPT REQUESTED TO THE OWNER OR OCCUPANT OF THE PROPERTY WHEREON THE NUISANCE EXISTS. IF THE NOTICE RETURNS UNDELIVERABLE BY THE UNITED STATES POST OFFICE, OFFICIAL ACTION TO ABATE SUCH NUISANCE SHALL BE CONTINUED TO A DATE NOT LESS THAN TEN (10) DAYS FROM THE DATE OF SUCH RETURN. THE VEHICLE WILL BE REMOVED FROM THE PUBLIC RIGHT OF WAY BY A QUALIFIED WRECKER SERVICE AT THE OWNERS EXPENSE.

SECTION 2.

It shall be unlawful for any abandoned or junked motor vehicle to be located on any private property that is inoperable , no current registration and no current inspection or over eight (8) years of age, where the vehicle is visible from a public place or public right of way. These motor vehicles will be considered detrimental to the safety and welfare of the citizens of Berryville, reduce the value of private property, invite vandalism, create fire hazards, and constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economical welfare of the City, which is adverse to the maintenance and continuing development of the City and such vehicles are therefore declared to be a public nuisance. A NOTICE OF NOT LESS THAN TEN (10) DAYS, STATING THE NATURE OF THIS PUBLIC NUISANCE ON PRIVATE PROPERTY, AND THAT IT MUST BE REMOVED AND ABATED WITHIN TEN (10) DAYS. THIS NOTICE WILL BE SENT BY CERTIFIED MAIL WITH A FIVE (5) DAY RETURN RECEIPT REQUESTED TO THE OWNER OR THE OCCUPANT OF THE PRIVATE PROPERTY WHEREUPON THE PUBLIC NUISANCE EXISTS. IF THE NOTICE RETURNS UNDELIVERABLE BY THE UNITED STATES POST OFFICE, OFFICIAL ACTION TO ABATE SUCH NUISANCE SHALL BE CONTINUED TO A DATE NOT LESS THAN TEN (10) DAYS FROM THE DATE OF THE RETURN. FROM AND AFTER THE EXPIRATION OF TEN (10) DAYS FROM DATE OF SAID NOTICE, ANY SUCH PERSON CONTINUING IN VIOLATION OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND UPON CONVICTION SHALL BE FINED A SUM OF NOT LESS THAN FIFTY DOLLARS (\$50.00) NOR MORE THAN TWO HUNDRED DOLLARS (\$200.00) AND EACH AND EVERY DAY OR FRACTION OF A DAY DURING WHICH THIS ORDINANCE IS BEING VIOLATED.

SECTION 3.

The fact that the City of Berryville now has no ordinance governing these matters, creates an emergency, which is here and now declared and the ordinance shall take effect and be in force, from and after its passage and publication as provided by law.

PASSED AND APPROVED this the 14th day of March, 1994.

John McElvany
Mayor, Berryville, Texas

Attest:

Sharyn Harrison
City Manager

This ordinance amended April 18, 2000.