

CITY OF PENELOPE, TEXAS

ORDINANCE NO. 0725003

AN ORDINANCE OF THE CITY OF PENELOPE, TEXAS, ESTABLISHING DEFINITIONS AND REGULATIONS FOR JUNKED VEHICLES AND ADOPTING A PROCEDURE FOR ABATEMENT AND REMOVAL OF JUNKED VEHICLES; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, PENALTIES, PUBLICATION, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Penelope, Texas (“City”), is a Type A general-law municipality located in Hill County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Transportation Code Chapter 683, Subchapter E, the City may adopt an ordinance regulating junked vehicles as a public nuisance to be abated and the City may adopt procedures for the abatement and removal of such junked vehicles from private or public property or public right-of-way consistent with the applicable state laws; and

WHEREAS, the City Council finds that junked vehicles are public nuisances that are detrimental to the public safety and welfare, tend to reduce property values, invite vandalism, create fire hazards, are attractive nuisances creating hazards to the health and safety of minors, produce urban blight adverse to the maintenance and continuing development of the City, and therefore it is necessary to continue to regulate junked vehicles to preserve and maintain the public health, safety, and welfare of the citizens of Penelope, Texas; and

WHEREAS, City Council finds that repealing Ordinance No. 051910 A + B, and adopting Ordinance No. 0725003 in its place, is necessary and proper and in the best interests of the City and the public.

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

SECTION 1. Findings of Fact. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Repeal and Enactment. Ordinance No. 051910 A + B is hereby repealed and the City of Penelope, Texas, hereby adopts Ordinance No. 0725003 a copy of which is attached hereto as “**Exhibit A**” and incorporated fully by reference for all purposes.

SECTION 3. Repealer. This Ordinance shall be cumulative of all provisions of the Ordinances of the City of Penelope, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which case the conflicting provisions of such Ordinances are hereby repealed in so far only as to any direct conflict with the provisions of this Ordinance.

SECTION 4. Severability. The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable a court or administrative agency with jurisdiction over the matter, such declaration shall not be construed to affect any other valid phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. Penalties. The penalties for any person violating any of the provisions of this Ordinance, shall be as set forth in Exhibit "A."

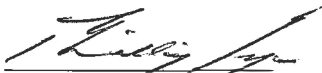
SECTION 6. Publication. The City Secretary is hereby directed to record and publish this Ordinance, as authorized by Chapter 52, Texas Local Government Code.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

SECTION 8. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, CONSIDERED, PASSED AND APPROVED BY THE CITY COUNCIL OF PENELOPE, TEXAS, AT A REGULAR MEETING ON THE 30 DAY OF July 2025.

Approved this the 30 day of July, 2025.



Phillip Esparzá, Mayor

ATTEST:



Debbie Lednicky, City Secretary

Exhibit A

EXHIBIT "A"

ORDINANCE NO. 0725003

(As adopted by City of Penelope, Ordinance No. 0725003, on July 30, 2025.)

JUNKED VEHICLES

DIVISION 1

Generally

Section 1. Definitions.

As used in this ordinance:

Antique vehicle. A passenger car or truck that is at least 25 years old.

Motor vehicle collector. A person who:

- (1) owns one or more antique or special interest vehicles; and
- (2) 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.

Motor vehicle demolisher. A person in the business of:

- (1) converting motor vehicles into processed scrap or scrap metal; or
- (2) wrecking or dismantling motor vehicles.

Junked motor vehicle. A vehicle, including a motor vehicle, aircraft, or watercraft, that;

- (1) displays an expired license plate or does not display a license plate, does not have lawfully printed on an aircraft an unexpired federal aircraft identification number, or is a watercraft that does not have lawfully on board an unexpired certificate of number; and
- (2) is self-propelled; and
- (3) is:
 - (A) wrecked, dismantled or partially dismantled, or discarded; or
 - (B) inoperable and has remained inoperable for more than:
 - (i) seventy-two (72) consecutive hours, if the vehicle is on public property; or
 - (ii) thirty (30) consecutive days, if the vehicle is on private property.

Special interest vehicle. 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 a hobbyist.

Section 2. Immediate removal of vehicles obstructing traffic.

This ordinance does not affect any other laws or ordinances authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property.

Exhibit A

DIVISION 2 Junked Vehicles

Section 3. Declared nuisance.

- (a) A junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the state by producing urban blight adverse to the maintenance and continuing development of the city, and is a public nuisance.

Section 4. Abatement and removal procedures.

- (a) The procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property, or the public right-of-way are as follows:
 - (1) Not less than ten (10) days' written notice must be given stating the nature of the public nuisance on private property, said notice must state:
 - (A) That the nuisance must be abated and removed not later than the tenth (10th) day after the date on which the notice was personally delivered or mailed; and
 - (B) That a written request for a hearing must be made before the expiration of that ten-day (10) period.
 - (2) The notice must be personally delivered, sent by certified mail with a five-day (5) return requested, or delivered by the United States Postal Service with signature confirmation service to:
 - (A) the last known registered owner of the nuisance;
 - (B) each lienholder of record of the nuisance; and
 - (C) the owner or occupant of:
 - (i) the property on which the nuisance is located; or
 - (ii) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
 - a) 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, personally delivered.
 - b) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.
 - (3) If a hearing is requested, the hearing shall be held not earlier than the eleventh (11th)

Exhibit A

day after the date of the service of notice. The hearing request shall be in writing filed with the city secretary and addressed to the mayor.

- (4) The hearing shall be held by the City Council. At the hearing, the owner may testify or present any witnesses or written information relating to the city's abatement and removal of the junk vehicle. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

Section 5. Order of abatement and removal.

- (a) If the persons entitled to notice herein fails to either remove and abate the nuisance or request a hearing within ten (10) days after service of the notice, then the city employee administering this division may, upon showing proof to the judge of a court of competent jurisdiction in the county, and obtaining an order thereof, take possession of the vehicle and have it removed and disposed of in accordance with this division and in a manner provided by state law.
- (b) A resolution or order issued pursuant to this ordinance by the hearing official or by a court, which requires the removal of a vehicle or vehicle part, if the information is available at the location of the nuisance, must include:
 - (1) for a motor vehicle, the vehicle's: description, vehicle identification number, and license plate number;
 - (2) for an aircraft, the aircraft's: description, and federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
 - (3) for a watercraft, the watercraft's: description, and identification number as set forth in the watercraft's certificate of number.
- (c) 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.
- (d) Procedures for abatement and removal of a public nuisance must be administered by regularly salaried, full-time employees of the city, except that any authorized person may remove the nuisance.
- (e) Notice identifying the vehicle or part of the vehicle being abated and removed as a junk vehicle must be given to the Texas Department of Motor Vehicles not later than the fifth day after the date of removal.
- (f) It shall be unlawful to reconstruct a vehicle or make the same operable after it has been removed.

Section 6. Inapplicability.

- (a) The procedures set out in this ordinance do not apply to a vehicle:
 - (1) that is completely enclosed in a building in a lawful manner and is not visible from

Exhibit A

the street or other public or private property; or

- (2) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - (i) maintained in an orderly manner;
 - (ii) not a health hazard; and
 - (iii) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Section 7. Disposal.

- (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.
- (b) 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:
 - (1) finally dispose of a junked vehicle or vehicle part; or
 - (2) transfer it to another disposal site if the disposal is scrap or salvage only.

Section 8. Offense.

- (a) A person commits an offense if that person maintains a public nuisance as determined under this section.
- (b) Any peace officer or official of the city may at any time cause a complaint to be filed in a court of competent jurisdiction for the violation of maintaining a public nuisance.
- (c) A person who commits an offense under this section is, upon conviction, guilty of a class C misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00). Each day that a violation continues constitutes a separate offense.
- (d) All remedies and penalties provided for in this ordinance are in addition to any other enforcement remedies that the city may have under city ordinances and state law.
- (e) Upon conviction, the court shall order abatement and removal of the nuisance.