

**To the Mayor and Members of the City Council****March 5, 2024**

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SUBJECT: PROCESS FOR ADDRESSING JUNKED VEHICLES

The purpose of this Informal Report is to provide City Council with information on the ordinance that allows Code Compliance to enter private property to tag junked vehicles. The full ordinance is attached in Appendix A.

Public Nuisance

The Texas Transportation Code and City of Fort Worth Code declare junked vehicles to be public nuisances. They are detrimental to the safety and welfare of the public, tend to reduce the value of private property, invite vandalism, create fire hazards, are attractive nuisances, and produce urban blight.

Definition

On private property, a junked vehicle is self-propelled, does not have lawfully attached to it an unexpired registration sticker and license plate, and is inoperable and has remained inoperable for more than 20 consecutive days. A vehicle that is self-propelled and is wrecked, dismantled or partially dismantled, and has remained inoperable for more than 20 consecutive days if the vehicle is on private property may also be considered a junked vehicle.

The vehicle must be visible from any private property, other than the property on which the vehicle is located, or from any public place or public-right-of-way to be considered a junked vehicle. Placing a tarp over the vehicle does not abate the violation. A vehicle that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property does not meet the definition of a junked vehicle.

Authority to Enforce

By ordinance code officers may enter private property to examine a vehicle, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle that constitutes a nuisance.

When a suspected junked vehicle is identified, the code officer places a green sticker on the vehicle explaining the possible ordinance violation and providing contact information for the code officer. The intent is to make contact with the owner as quickly as possible. If not abated, written notification is mailed to the last known registered owner of the junked vehicle, each lienholder of record of the junked vehicle, and the owner or occupant of the private property on which the junked vehicle is located so a hearing can be scheduled.

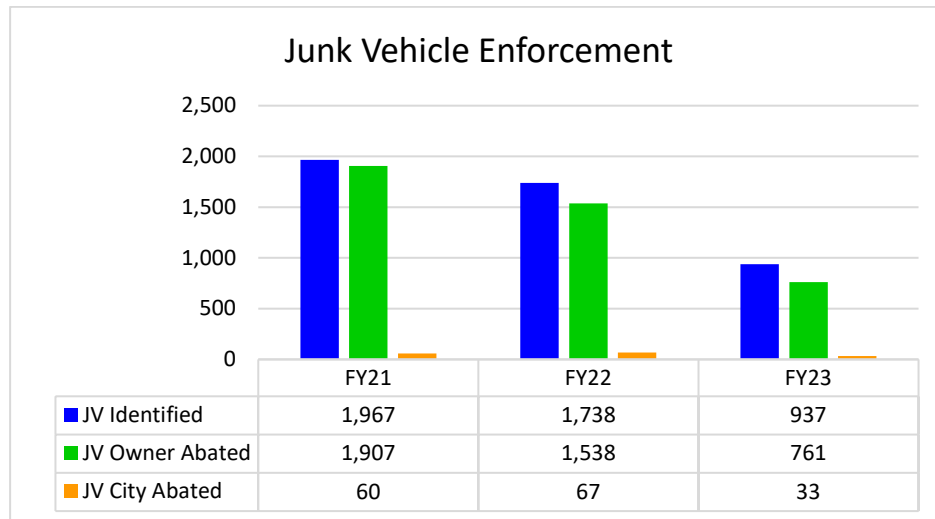
A hearing officer will determine if a public nuisance exists. If there is sufficient cause to remove the nuisance and the notice requirements were met, the hearing officer will order that the nuisance be removed. If the owner fails to comply, the city will remove the vehicle.



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For questions regarding this information, please contact Shannon Elder, Assistant Code Compliance Director, at Shannon.Elder@fortworthtexas.gov or (817) 392-6326.

David Cooke
City Manager



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SUBJECT: PROCESS FOR ADDRESSING JUNKED VEHICLES**Appendix A****CHAPTER 22: MOTOR VEHICLES AND TRAFFIC****ARTICLE I: IN GENERAL****§ 22-1 DEFINITIONS.*****JUNKED VEHICLE.***

- (1) A vehicle that is self-propelled and:
 - a. Does not have lawfully attached to it an unexpired registration insignia (sticker) and license plate; and
 - b. Is inoperable and has remained inoperable for more than 72 consecutive hours if the vehicle is on public property, or for more than 20 consecutive days if the vehicle is on private property.
- (2) A vehicle that is self-propelled and is wrecked, dismantled or partially dismantled, and has remained inoperable for more than 72 consecutive hours if the vehicle is on public property, or for more than 20 consecutive days if the vehicle is on private property.
- (3) The term ***JUNKED VEHICLE*** shall include any part of a junked vehicle or tarps or covers thereon, that is visible at any time of the year from any private lot, tract or parcel of land, occupied or unoccupied, improved or unimproved, other than the lot, tract or parcel of land on which the vehicle, vehicle part, tarp or cover is located or from any public place or public-right-of-way.

ARTICLE IX: ABANDONED AND JUNKED VEHICLES**DIVISION 2: JUNKED VEHICLES****§ 22-303 JUNKED VEHICLES DECLARED TO BE A PUBLIC NUISANCE; ADOPTION OF PROCEDURES FOR ABATEMENT AND REMOVAL.**

(a) Junked vehicles, as defined in this chapter, are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the city by producing urban blight which is adverse to the maintenance and continuing development of the city; and such vehicles are, therefore, declared to be a public nuisance.

(b) This declaration is made pursuant to Tex. Transportation Code Chapter 683, Subchapter E. This division adopts municipal procedures that conform to Tex. Transportation Code Chapter 683, Subchapter E for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.

(Ord. 12938, § 2, passed 4-1-1997; Ord. 16539, § 2, passed 8-9-2005; Ord. 18441-01-2009, § 2, passed 1-13-2009)

§ 22-304 NOTICE.

(a) Prior to any official action being taken to abate and remove a junked vehicle, from private or public property or a public right-of-way, not less than ten days' notice shall be given of the nature of the nuisance, except as hereinafter provided, to the following parties:

- (1) The last known registered owner of the junked vehicle;
- (2) Each lienholder of record of the junked vehicle; and
- (3) The owner or occupant of the private property on which the junked vehicle is located or the owner or occupant of the premises adjacent to the public right-of-way on which the junked vehicle is located.

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(b) Such notice shall be personally delivered, mailed by certified mail with a five-day return requested or delivered by the United States postal service with signature confirmation service and shall state the following:

(1) That the junked vehicle is a public nuisance;

(2) That the nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed;

(3) That a person entitled to notice pursuant to subsection (a) above may, not later than the tenth day after the date on which the notice was personally delivered or mailed, request, in writing, a public hearing in accordance with § [22-305](#) of this chapter;

(4) That the persons entitled to notice shall be entitled to speak at the public hearing, either by making a request prior to the time of the hearing or by making a request at the time of the hearing; and

(5) That failure to abate and remove the nuisance or failure to attend the hearing after notice constitutes a waiver by the owner and lienholders of all right, title and interest in the vehicle and their consent to disposal of the junked vehicle in accordance with the provisions of Tex. Transportation Code Chapter 683, Subchapter E.

(c) If the post office address of the last known registered owner of the junked vehicle is unknown, notice may be placed on the junked vehicle or, if the owner is located, hand delivered.

(d) If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day after the date of the return of the notice.

(Ord. 12938, § 2, passed 4-1-1997; Ord. 18441-01-2009, § 4, passed 1-13-2009)

§ 22-304.1 RELOCATION OF JUNKED VEHICLE AFTER ABATEMENT PROCEEDING HAS COMMENCED.

The relocation of a junked vehicle that is a public nuisance to another location in the city after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(Ord. 16539, § 4, passed 8-9-2005)

§ 22-305 HEARING.

(a) A person for whom notice is required under § [22-304](#) may request, in writing, a public hearing to determine whether the vehicle identified in the notice, or any part thereof, constitutes a public nuisance. Such written notice must be received by the clerk of the municipal court not later than 5:00 p.m. on the tenth day after the date on which the notice was delivered or mailed.

(b) If a public hearing is requested by a person for whom notice is required under § [22-304](#), the hearing shall be held not earlier than the eleventh day after the date on which the notice was delivered or mailed.

(c) Any hearing officer who has been appointed by the city council under § [10-17](#) of the Fort Worth city code is hereby designated as an official who is authorized to conduct hearings under the provisions of this division.

(d) At the public hearing, the hearing officer shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, city personnel and interested persons relative to the alleged public nuisance. The hearing officer may continue the hearing for up to 60 days for cause deemed reasonable to the hearing officer.

(e) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(f) Following the public hearing, the hearing officer shall consider all evidence and determine whether the vehicle, or any part thereof, constitutes a public nuisance as alleged. If the hearing officer finds that a public nuisance does exist and that there is sufficient cause to remove the nuisance, and that the notice requirements provided in this division have been met, the hearing officer shall make a written order setting forth his or her



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findings and ordering that the nuisance be removed and that the vehicle be disposed of in accordance with the provisions of Tex. Transportation Code Chapter 683, Subchapter E. If the information is available at the location of the nuisance, the order shall include a description of the vehicle identification number and the license plate number.

(Ord. 12938, § 2, passed 4-1-1997; Ord. 16539, § 5, passed 8-9-2005; Ord. 18441-01-2009, § 5, passed 1-13-2009)

§ 22-306 ABATEMENT OF NUISANCE; REMOVAL AND DISPOSAL OF VEHICLES.

If no hearing is requested or if the hearing officer orders removal of the public nuisance, the city or any duly authorized person may abate such nuisance by removal and disposal of the junked vehicle in accordance with the provisions of Tex. Transportation Code Chapter 683, Subchapter E.

(Ord. 12938, § 2, passed 4-1-1997; Ord. 18441-01-2009, § 6, passed 1-13-2009)

§ 22-307 JUNKED VEHICLES NOT TO BE RECONSTRUCTED OR MADE OPERABLE AFTER REMOVAL.

After any junked vehicle has been removed under the authority of this division, it shall not be reconstructed or made operable again.

(Ord. 12938, § 2, passed 4-1-1997)

§ 22-308 NOTICE OF REMOVAL TO BE GIVEN TO TEXAS DEPARTMENT OF TRANSPORTATION.

No later than the fifth day after the date of removal of a junked vehicle or part of a vehicle pursuant to provisions of this division, notice must be given to the Texas department of transportation. Such notice must identify the vehicle or part of the vehicle.

(Ord. 12938, § 2, passed 4-1-1997)

§ 22-309 INAPPLICABILITY OF THIS DIVISION.

(a) The procedures adopted in this division shall not apply to a vehicle or vehicle part:

(1) That is completely enclosed in a building in a lawful manner and is not visible from 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:

- a. Maintained in an orderly manner;
- b. Not a health hazard; and
- c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees or shrubbery.

(b) In this section:

ANTIQUE VEHICLE. A passenger car or truck that is at least 35 years old.

MOTOR VEHICLE COLLECTOR. A person who:

- a. Owns one or more antique or special interest vehicles; and/or
- 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.

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.

(Ord. 12938, § 2, passed 4-1-1997)

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This division shall be administered by regularly salaried, full-time employees of the city as designated by the city manager, except that the removal of a vehicle or part of a vehicle from property may be performed by any duly authorized person.

(Ord. 12938, § 2, passed 4-1-1997)

§ 22-311 CRIMINAL COMPLAINT.

(a) A person commits an offense if the person maintains a public nuisance described by § [22-303](#)(a) of this code.

(b) Whenever such a public nuisance is found to exist within the city, the city may, without notice, pursue the filing of an immediate criminal complaint against the person or persons in violation of this section.

(c) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.

(Ord. 12938, § 2, passed 4-1-1997; Ord. 16539, § 6, passed 8-9-2005)

§ 22-312 ORDER OF ABATEMENT UPON CONVICTION.

Whenever a person is convicted in a City of Fort Worth municipal court of maintaining a junked vehicle which constitutes a public nuisance in violation of § [22-311](#), the court shall, in connection with its guilty finding, enter an order directing the guilty party to abate and remove the public nuisance which was the subject of the criminal complaint. Any order so entered shall take effect immediately upon conviction becoming final. If abatement is not accomplished as ordered by the court, the city is authorized to abate the nuisance and assess the reasonable costs of abatement against the guilty party.

(Ord. 12938, § 2, passed 4-1-1997; Ord. 16539, § 7, passed 8-9-2005)

**ARTICLE IX, ABANDONED AND JUNKED VEHICLES
DIVISION 3: GENERALLY****§ 22-314 AUTHORITY TO ENFORCE.**

A person authorized by the city to administer the procedures authorized by this article may enter private property for the purposes specified in Tex. Transportation Code Chapter 683 to examine a vehicle, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle that constitutes a nuisance. A City of Fort Worth municipal court may issue orders necessary to enforce the procedures of this article.

(Ord. 9852, § 7, passed 3-31-1987; Ord. 12938, § 2, passed 4-1-1997)