

ORDINANCE NO. 2025-317  
JUNK AND ABANDONED VEHICLE ORDINANCE

AN ORDINANCE OF THE CITY OF WELLS, TEXAS, WHICH ADDRESSES THE EXISTENCE OF JUNK AND ABANDONED VEHICLES WITHIN THE CORPORATE LIMITS OF WELLS, TEXAS; TO PROVIDE THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE A SEVERABILITY CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE. IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF WELLS, TEXAS THAT: THE TEXT SET OUT BELOW SHALL BE THE JUNK AND ABANDONED VEHICLE ORDINANCE ENACTED BY THE CITY OF WELLS, TEXAS.

Section 1.01 **Authority:**

This article is adopted pursuant to the authority provided by the Texas Transportation Code, Chapter 683, Subchapter E, and any successor statutes, to establish procedures for the abatement and removal from private or public property or public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance. [Tex. Transp. Code§ 683.074 (a)]

Section 1.02 **Definitions:**

**"Antique Vehicle"** shall mean a passenger car or truck that is at least 25 years old.  
[Tex. Transp. Code§ 683.077 (b) (I)]

**"Junked Vehicle"** shall mean a vehicle that is self-propelled and:

1. does not have lawfully attached to it:
    - a. a valid license plate; and
    - b. a valid registration sticker; and
  2. 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.
      - ii. thirty (30) consecutive days if the vehicle is on private property.
- [Tex. Transp. Code§ 683.071; Tex. S.B. 350, 80th Leg. R.S. (2007)]

**"Motor Vehicle"** shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act. [Tex. Transp. Code§ 683.001 (4)]

**"Motor Vehicle Collector"** shall mean a person who owns one or more antique or special interest vehicles and who collects, purchases, acquires, trades or disposes of special interest or antique vehicle or parts of them for his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest. [Tex. Transp. Code § 683.077 (b) (2)]

**"Motor Vehicle Demolisher"** shall mean any person in the business of converting motor vehicles into processed scrap or scrap metal, or to otherwise wreck or dismantle motor vehicles. [Tex. Transp. Code§ 683.001 (5)]

**"Special Interest Vehicle"** shall mean a motor vehicle of any age which has not been altered or modified from the original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist. [Tex. Transp. Code§ 683.077 (b) (3)]

**"Storage Facility"** shall mean a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

**[Tex. Transp. Code § 683.001 (7)]**

**Section 1.03 Junked Vehicle's Declared a Public Nuisance:**

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year 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 a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, and is 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. **[Tex. Transp. Code§ 683.072]**

**Section 1:04 Offense:**

- A. A person commits an offense if the person maintains a public nuisance described by Section 1.03 of this Chapter.
- B. An offense under this section is a misdemeanor punishable by a fine not exceeding Two Hundred Dollars (\$200). Each day the violation continues after notice shall constitute a separate offense.
- C. The court shall order the abatement and removal of the nuisance on conviction.  
**[Tex. Transp. Code§ 683.073]**

**1.05 Exemptions:**

The following vehicles or parts thereof are excepted from the provisions of this ordinance:

- A. A vehicle or vehicle part which is completely enclosed within a building in a lawful manners are not visible from the street or other public or private property.
- B. A vehicle or vehicle part which 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 or part thereof stored by a motor vehicle collector on the collector's property, provided that the vehicle or part and the outdoor storage area, if any, are:
  - 1. maintained in an orderly manner,
  - 2. do not constitute a health hazard, and
  - 3. screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.**[Tex. Transp. Code§ 683.077 (a)]**

**Section 1.06 Procedure for Disposition of Junked Vehicles:**

The procedure for the abatement and removal of a junked vehicle or part thereof, as a public nuisance, from private property, public property, or public right-of-way shall be as follows:

A. After a determination is made by the City Manager or the Police Chief or the Manager's designee that a particular vehicle is a junked vehicle or after an order issued by the Municipal Court pursuant to Section 1.04 (c), there shall be furnished not less than ten (10) day notice, stating the nature of the nuisance.

1. Such notice must be personally delivered or sent by certified mail with a five (5) day return requested, or delivered by the United States Postal Service with signature confirmation to:

- a. the last known registered owner of the junked vehicle.
- b. all lien holders of record of the nuisance; and
- c. the owner of the occupant of:
  - i. the property on which such public nuisance is located; or
  - ii. if nuisance is located on public right-of-way, the property adjacent to the right-of-way.

2. The notice must state that:

- a. the nuisance must be removed and abated not later than the 10th day after the date on which the notice was personally delivered or mailed; and
- b. any request for a hearing must be made before expiration of said ten (10) day period.

3. 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.

4. If the notice is returned undeliverable by the United States Post Office, official action to abate said nuisance shall be continued to a date not earlier than the 11th day after the date of such return. **[Tex. Transp. Code§ 683.075]**

B. There shall be a public hearing prior to the removal of the nuisance if such hearing is requested by a person who receives notice as provided by Section 1.06 (A) (1) not later than the date by which the nuisance must be abated and removed. **[Tex. Transp. Code§ 683.074 (b) (2); Tex. S.B. 350, 80th Leg. R.S. (2007)]**

- 1. The public hearing shall be held before the Municipal Judge of the City of Wells or his designee. **[Tex. Transp. Code§ 683.076 (a)]**
- 2. If such a hearing is requested by the owner or occupant of the property under Subsection (A) (1) (c), the hearing shall not be held earlier than the 11th day after the date of the service of notice. **[Tex. Transp. Code § 683.076 (b)]**
- 3. At the hearing, the vehicle which is the subject of the junked vehicle hearing is presumed, unless demonstrated otherwise by the owner, to be inoperable. **[Tex. Transp. Code§ 683.076 (c)]**
- 4. Any resolution or order requiring the removal of a junked vehicle or part therefore, it must include the vehicle's description, vehicle identification number, and license plate number if the information is available at the location of the nuisance. **[Tex. Transp. Code§ 683.076 (d)]**

5. A Judge of the Municipal Court of the City of Wells or his designee may issue necessary orders to enforce the procedures for the abatement and removal of a public nuisance under this Article. [Tex. Transp. Code § 683.074 (c)]
- C. The relocation of a junked vehicle that is a public nuisance to another location within the City, after a proceeding for the abatement and removal of such junked vehicle has commenced, has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location. [Tex. Transp. Code § 683.074 (g)]
- D. After a vehicle has been removed, it shall not be reconstructed or made operable. [Tex. Transp. Code § 683.074 (b)(1)]
- E. Notice must be given to the State Department of Highways and Public Transportation not later than the fifth (5th) day after the date of removal identifying the vehicle or part thereof. [Tex. Transp. Code § 683.074 (b)(3)]  
Said Department shall cancel the certificate of title issued for the vehicle immediately on receipt of such notice. [Tex. Transp. Code § 683.074 (f)]
- F. The administration of the procedures herein shall be performed by the City Police Department of the City of Wells, Texas granted authority by the City's governing body to enforce this ordinance. [Tex. Transp. Code § 683.074 (d)]
- G. A citation may be issued, and a complaint may be filed in the Municipal Court of the City of Wells for the violation of maintaining a public nuisance, if the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided in Subsection (A). [Tex. Transp. Code § 683.0765]

#### Section 1.07 Disposal of Junked (Inoperable) Vehicles

A junked vehicle or part thereof may be disposed of by removal to a scrapyard, a motor vehicle demolisher, or any suitable site operated by the City, for processing as scrap or salvage pursuant to authority provided in the Texas Transportation Code, § 683.078 or any successor statute for junked vehicle disposal. [Tex. Transp. Code § 683.078]

#### Section 1.08 Authority to Enforce

Any peace officer, Code Enforcement Officer or other regularly salaried, full-time City employee authorized to enforce this ordinance, may enter private property to examine a public nuisance, obtain information as to identify the nuisance and to remove or direct the removal of the nuisance. [Tex. Transp. Code § 683.074 (e)]


#### Section 1.09 Effect of Act on Other Laws

Nothing in this Article shall affect laws that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic, or laws that establish procedures for taking possession of abandoned motor vehicle. [Tex. Transp. Code § 683.003 (b)]

## Statutes

Tex. Transportation Code§ 683.001 (4)	2
Tex. Transportation Code§ 683.001 (5)	2
Tex. Transportation Code§ 683.001 (7)	2
Tex. Transportation Code§ 683.003 (b)	5
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Tex. Transportation Code§ 683.072	2
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Tex. Transportation Code§ 683.077 (b) (1)	1
Tex. Transportation Code§ 683.077 (b) (2)	2
Tex. Transportation Code§ 683.077 (b) (3)	2
Tex. Transportation Code§ 683.078	5

ADOPTED, PASSED, APPROVED AND EFFECTIVE AS OF this the 17<sup>th</sup> day of March 2025.

  
Mayor

ATTEST:

  
Secretary