

**An Ordinance of the City of Plano, Texas, amending Article V. Stopping, Standing and Parking of Chapter 12 of the Code of Ordinances of the City of Plano, Texas to add Section 12-121 Long-Term Parking on City Streets and Alleys to establish regulations that align with Texas Transportation Code Chapter 683; repealing and replacing Article VIII. Abandoned and Junked Vehicles of Chapter 12 of the Code of Ordinances of the City of Plano, Texas to be consistent with state law; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.**

**WHEREAS**, the City Council previously adopted regulations for motor vehicles and traffic codified as Chapter 12 in the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, Texas Transportation Code Chapter 683 regulates abandoned and junked vehicles; and

**WHEREAS**, City staff recommends amending Article V. Stopping, Standing and Parking to add Section 12-121 Long-Term Parking on City Streets and Alleys, and to repeal and replace Article VIII. Abandoned and Junked Vehicles to align with Texas Transportation Code Chapter 683; and

**WHEREAS**, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens to amend Article V. and add Section 12-121 Long-Term Parking on City Streets and Alleys, and to repeal and replace Article VIII. Abandoned and Junked Vehicles of the Code of Ordinances of the City of Plano, Texas to align with Texas Transportation Code Chapter 683, as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Article V. Stopping, Standing and Parking of Chapter 12 of the Code of Ordinances of the City of Plano, Texas, is hereby amended to add Section 12-121 to read as follows:

**“Sec. 12-121. Long-term parking on city streets and alleys.**

It shall be unlawful for any person to stop, stand, park or allow a motor vehicle under his or her ownership, care, custody or control to remain on a city street or alley in excess of 15 consecutive, calendar days without being operated and moved at least 100 feet during such period.”

**Section II.** Article VIII. Abandoned and Junked Vehicles of Chapter 12 of the Code of Ordinances of the City of Plano, Texas, is hereby repealed in its entirety and replaced to read as follows:

**“ARTICLE VIII. ABANDONED AND JUNKED VEHICLES**

**DIVISION 1. - ABANDONED VEHICLES**

**Sec. 12-191. - Certain motor vehicles declared abandoned and nuisances.**

Any motor vehicle considered abandoned pursuant to Chapter 683, Texas Transportation Code, as amended, is hereby declared abandoned and a public nuisance, and the police department may take any and all actions related to the vehicle, its contents, and proceeds from sale, in accordance with Chapter 683, Texas Transportation Code, as amended, including but not limited to: seizure, notice, storage, auction, use, transfer, demolition, disposition, waiver of rights by owners and lienholders, assessment of fees and expenses, reimbursement, and transfer of funds and title to the vehicle.

**Sec. 12-192. - Auction of unclaimed abandoned motor vehicles.**

- (a) If an abandoned motor vehicle has not been reclaimed as provided in this division, the chief of police or designee shall have the right to direct the purchasing director of the city to sell such vehicle at public auction. Thirty (30) days' notice of the time and place of sale of the motor vehicle shall be posted at the city hall, and a copy thereof sent by certified mail to the last known address of the owner. In the case of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of the auction. If the name of the owner is not known to the purchasing director, a copy of the notice of the sale shall be published in the official newspaper published in the city once a week for two (2) consecutive weeks, the date of the first publication to be at least fourteen (14) days prior to the date of the auction sale.
- (b) The notice of sale shall describe the motor vehicle, state the same is unredeemed, state that the same will be sold at public auction, designate the place of sale and the time and date of sale, which shall not be less than fourteen (14) days from the date of posting such notice. Thereafter, such property shall be offered for sale by public auction to the highest bidder. The purchasing director has the discretion to assemble lots of motor vehicles and offer such lots for sale to the highest bidder at public auction.
- (c) The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, shall be entitled to register the purchased vehicle and shall receive a certificate of title.

**Sec. 12-193. - City officers and employees not to purchase at sales.**

It shall be against city policy for any police officer or any other officer or employee of the city, either directly or indirectly, to purchase at any sale or acquire in any manner the ownership at such sale of any vehicle impounded or offered for sale under the provisions of this division, and should any officer or employee do so, it shall be the duty of the city manager to request the dismissal of such officer or employee from the service of the city.

**Secs. 12-194 – 12-204 – Reserved.**

**DIVISION 2. - JUNKED VEHICLES**

**12-205. Junked vehicle declared a public nuisance.**

Any vehicle considered a junked vehicle pursuant to Chapter 683, Texas Transportation Code, as amended, is hereby declared junked and a public nuisance, and the city manager or designee(s) may take any and all actions related to the vehicle, parts of the vehicle, its contents, and proceeds from sale, in accordance with Chapter 683, Texas Transportation Code, as amended, including but not limited to: enforcement for a criminal offense under Chapter 683; entry on private property, inspection, abatement, removal, seizure, relocation, storage, auction, use, transfer, demolition, disposition, waiver of rights by owners and lienholders, assessment of fees and expenses, reimbursement, and transfer of funds and title for junked vehicles and parts of junked vehicles; and

notice, presumptions, and hearings. Definitions, procedures and inapplicability related to junked vehicles, as described in Chapter 683, Texas Transportation Code, as amended, whether described as mandatory or optional in that Chapter, are hereby adopted, and the city manager or designee(s) are authorized to take any and all actions and conduct hearings in accordance with Chapter 683, Texas Transportation Code, as amended. The Plano Municipal Court is authorized to conduct hearings and enforce orders in accordance with Chapter 683, Texas Transportation Code.

**Sec.12-206. – Offense.**

- (a) A person commits an offense if the person allows or maintains a junked vehicle in any place, whether on private or public property, in view of the public or on a public right-of-way.
- (b) An offense under this section is punishable by a fine not to exceed two hundred dollars (\$200.00). A separate offense occurs each day the violation described in subsection (a) continues.
- (c) The court shall order abatement and removal of the public nuisance on conviction of this offense.

**Sec. 12-207. – Hearing and abatement procedures.**

In addition to the regulations found in Chapter 683, Texas Transportation Code, as amended, the following procedures are required:

- (a) *Notice.* Written notice from the city shall be provided in accordance with Chapter 683, Texas Transportation Code, as amended.
- (b) *Hearing.*
  - (1) A designee of the city manager shall conduct hearings under the procedures adopted under this section. This hearing officer does not have to adhere to strict rules of evidence, and can adopt informal procedures for the hearing.
  - (2) Any request for a public hearing by a person who receives notice must be made not later than the date by which the nuisance must be abated and removed.
  - (3) If a hearing is requested by a person for whom notice is required, the hearing shall be held not earlier than the 11th day after the date of the service of notice.
  - (4) At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (c) *Abatement and removal of nuisance.*
  - (1) Request for abatement and removal of junked vehicle.
    - a. After receiving written notice from the city in accordance with Chapter 683, Texas Transportation Code, as amended, regarding the public nuisance created by a junked vehicle:
      - 1. the owner of the junked vehicle may request and authorize the city to remove the junked vehicle; or
      - 2. the owner or occupant of the private property upon which the junked vehicle is located may request and authorize the city to remove the junked vehicle if the city cannot locate the vehicle's owner.
    - b. Before the city removes a junked vehicle, the person requesting removal under this section must execute an authorization and indemnification agreement, thereby allowing the city to enter the private property and holding the city harmless from

any claim of injury or damage sustained as a result of the removal and disposal of the junked vehicle in accordance with section 12-208.

- c. Any person authorized by the city manager, or his designee, may enter private property to remove the junked vehicle, or part thereof.

(2) Abatement and removal of junked vehicle.

- a. If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's description, vehicle identification number, and license plate number.
- b. The municipal court may issue orders necessary to enforce the procedures and removal of the public nuisance.
- c. Any person authorized by the city manager, or his designee, may enter private property to remove the junked vehicle, or part thereof.

**Sec. 12-208. - Junked vehicle disposal.**

- (a) A junked vehicle removed under this Ordinance may not be reconstructed or made operable.
- (b) A junked vehicle may be removed to a scrapyards, a motor vehicle demolisher, or any other suitable site for processing scrap or salvage.
- (c) After a proceeding for abatement and removal of a public nuisance commences, removal of the junked vehicle to another location within the city limits where said vehicle continues to constitute a public nuisance has no effect on the proceedings already underway.

**Secs. 12-209 – 12-218 – Reserved.”**

**Section III.** All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section IV.** 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, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section VI.** Any violation of any provision or term of this ordinance shall be a Class C Misdemeanor offense. Any person, firm, corporation, or association who is adjudged guilty of a Class C Misdemeanor offense under this ordinance shall be punished by a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

**Section VII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED** this the 13th day of September, 2021.

\_\_\_\_\_  
John B. Muns, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY