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CITY OF SAN ANTONIO AGENDA ITEM NO.
CODE COMPLIANCE DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM

TO: Mayor and City Council

FROM: Martin G. Rodriguez, Director, Code Compliance Department

SUBJECT: Junked Vehicle Ordinance Revision

DATE: December 16, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance amends Chapter 19 Article X of the City Code entitled "Junked Vehicles". The purpose of the ordinance is to amend the City Code to provide for compliance with legislative updates by implementing more restrictive definitions of junked vehicles, dispensing with the \$50.00 fee for a Motor Vehicle Hearing, reducing the maximum fine for convictions to \$200 and setting the minimum fine of \$100 for the second and subsequent conviction.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

During the 78th Legislative Session, legislation was enacted that provided municipalities greater authority to modify the definition of junked vehicles. Adopting this ordinance will decrease the amount of time necessary before a junked vehicle may be declared a public nuisance. Currently there is a thirty (30) day timeframe that this ordinance will reduce to ten (10) days.

Section 683.0711 of the Texas Transportation Code states: "An ordinance adopted by a governing body of a municipality may provide for a more inclusive definition of a junked vehicle subject to regulation under this subchapter." Under the current state statute definition, "junked vehicle" means "a vehicle that is self-propelled and

- (1) does not have lawfully attached to it
 - (a) an unexpired license plate or
 - (b) a valid motor vehicle inspection certificate, and is wrecked, dismantled or partially dismantled or discarded, or, inoperable and has remained inoperable for more than
 - (i) 72 consecutive hours, if the vehicle is on public property or
 - (ii) 30 consecutive days, if the vehicle is on private property."

The proposed City Code amendment incorporates the legislative authority and revises the definition of junked vehicles as follows:

Junked Vehicle means a vehicle that is self-propelled or was manufactured to be self-propelled, or any part thereof, in ordinary public view, which remains inoperable for a continuous period of (10) ten days.

Inoperable means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable.

The last update to the City Code regarding junked vehicles took place in 1989.

POLICY ANALYSIS

This ordinance is necessary to bring Chapter 19 Article X of the City Code entitled "Junked Vehicles" into compliance with the state statute. The amendment will impose stricter regulations for junked vehicles and provide for an additional adjudication process.

Historically, junked vehicles have ranked in the top five most frequently called-in complaints. From the period October 1, 2003 through September 30, 2004, staff responded to 11,951 junked vehicle complaints of which 8,219 were removed or repaired. The table below details the number of complaints achieving compliance by City Council District.

No. of Junked Vehicles Repaired or Removed	
Oct. 1 , 2003 – Sept. 30, 2004	
DISTRICT	Total
1	915
2	1,182
3	1,055
4	1,390
5	923
6	1,170
7	665
8	197
9	181
10	541
Total	8,219

The junked vehicle process begins with a complaint received or a violation identified by a Code Compliance Investigator. Once the Investigator verifies a violation, notification is given to the owner of the property and the owner of the vehicle, if different, allowing ten days to repair, remove or request a Motor Vehicle Hearing. The Investigator will conduct a reinspection at the end of the ten day compliance period. Under the current City Code if compliance has not been achieved, the vehicle can not be declared a "junked vehicle" until 30 days after the reinspection date. Only after that time may a court case be filed in Municipal Court.

To alleviate the current extended waiting period, the Department has also been utilizing the outside storage provisions of the Unified Development Code (UDC) for filing on many junked vehicles cases. The UDC allows us to file a court case after the ten day notification instead of the 30 days under the current City Code junked vehicle provisions. Although the UDC allows for an effective

prosecution code, it does not allow for the City to tow the junked vehicle if the owner fails to comply and the violation remains on the premise.

The proposed junked vehicle amendment will enable the City to tow the unlawful vehicles after a requested abatement hearing, if the vehicle is determined to be a public nuisance. This abatement hearing will only be held if the owner of the property or vehicle owner requests a hearing. Upon request, the Code Compliance Department will notify the violator of the hearing date and the hearing will be conducted by a Municipal Court Judge. Municipal Court will allocate time for the scheduling of hearings. If the violator does not request a hearing, the vehicle can be towed ten days after notification. The vehicle may also be towed if the requestor fails to show at the hearing.

The proposed amendment allows the Code Compliance Department the flexibility to seek compliance through the prosecution of a Municipal Court case filing or through the towing abatement process. A conviction in a case that has been prosecuted may result in a fine up to \$200 and a minimum fine of \$100 for a second and subsequent convictions for the same violator.

Following a briefing on the legislative changes and the proposed ordinance, the Urban Affairs Council Committee approved the recommended code amendments.

FISCAL IMPACT

The revenue collected on a yearly basis for Motor Vehicle Hearings is minimal. During the past two fiscal years, \$1,650.00 was received in this revenue fund. Services provided by the Code Compliance Department will not be adversely impacted by the elimination of this revenue source.

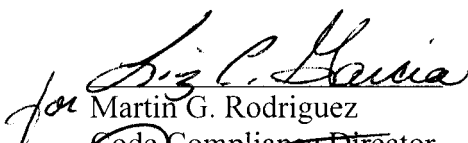
COORDINATION

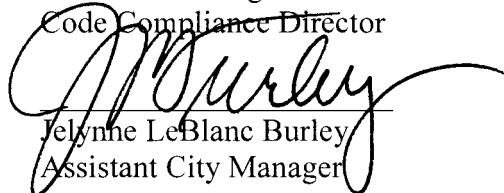
Multiple departments have contributed to the formation of the proposed amendment to include Code Compliance, City Attorney's Office and Municipal Court.

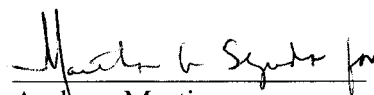
SUPPLEMENTARY COMMENTS

None

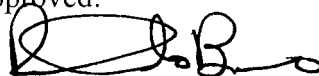
SIGNATURES


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