

rage designated or maintained by the governmental agency by which the officer is employed, or to a position off the paved or main-traveled part of the highway, street, or road, when:

- (1) Any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
- (2) Any vehicle is illegally parked so as to block the entrance to any private driveway;
- (3) Any vehicle is found upon a highway and a report has previously been made that such vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that such vehicle has been stolen;
- (4) Any such officer has reasonable grounds to believe that any vehicle has been abandoned for more than 48 hours;
- (5) A vehicle upon a highway, street, or road is so disabled that its normal operation is impossible or impractical and the owner or person in charge of the vehicle is incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or is not in the immediate vicinity of the disabled vehicle;
- (6) A vehicle upon a highway, street, or road is so disabled that its normal operation is impossible or impractical and the owner or person in charge of the vehicle does not designate a particular towing or storage company;
- (7) An officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this Code or other law required to take the person arrested into custody; or
- (8) In the opinion of the officer, a vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency or unusual circumstance the safety of such vehicle is imperiled.

(b) An impounding and towing fee in an amount equal to the actual cost of impounding and towing a vehicle removed under this section shall be assessed against and collected from the owner or driver of the vehicle before the release of such vehicle. The payment of the impounding and towing fee shall not excuse the owner or driver of the vehicle from the charge of violating the provision prohibiting or limiting parking.

(c) As used in this section:

(1) *Towing company* means an individual, corporation, partnership, or other association that is engaged in the business of towing vehicles on a public highway for compensation or with the expectation of compensation for the towing or storage of vehicles. The term includes the owner, operator, employee, or agent of a towing company.

(2) *Storage company* means an individual, corporation, partnership, or other association that is engaged in the business of storing or repairing vehicles for compensation or with the expectation of compensation for the storage or repair of vehicles. The term includes the owner, operator, employee, or agent of a storage company.

(Ord. of 10-26-65, art. I; Code 1984, § 13-56)

State law reference—Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 94.

Secs. 13-57-13-70. Reserved.

ARTICLE IV. ABANDONED VEHICLES*

Sec. 13-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle that is inoperable and more than five years old and left unattended on public property for more than 48 hours; or a motor vehicle that has re-

*Cross references—Health, ch. 11; clearance of weeds, rubbish, etc., from lots located in city, § 11-46 et seq.

State law reference—Abandoned motor vehicles, Vernon's Ann. Civ. St. art. 4477-9a, § 5.01 et seq.'

mained illegally on public property for a period of more than 48 hours; or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours; or a motor vehicle left unattended on the right-of-way of a designated county, state, or federal highway within this state for more than 48 hours or for more than 12 hours on a turnpike project constructed and maintained by the state turnpike authority.

Antique auto means a passenger car or truck that was manufactured in 1925 or before or a passenger car or truck that is at least 35 years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Demolisher means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Garagekeeper means an owner or operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of a motor vehicle.

Junked vehicle means a motor vehicle as defined in Vernon's Ann. Civ. St. art. 6701d-11:

- (1) That is inoperative; and
- (2) That does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate; that is wrecked, dismantled, partially dismantled, or discarded; or that remains in operable for a continuous period of more than 45 days.

Motor vehicle means a motor vehicle subject to registration under the Certificate of Title Act (Vernon's Ann. Civ. St. art. 6687-1).

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, be-

cause of its historic interest, is being preserved by hobbyists.

Storage facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles. (Code 1984, § 13-71)

Cross reference-Definitions generally, § 1-2.

State law reference—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.01.

Sec. 13-72. Enforcement officer.

(a) The provisions of this article shall be administered and enforced by the police department, which, for the purposes of this article, shall be referred to as the enforcement officer. Such officer shall have the powers stated in article V of the Texas Litter Abatement Act (Vernon's Ann. Civ. St. art. 4477-9a). Removal of vehicles or parts thereof from property may be made by any person authorized to do so by the chief of police.

(b) The enforcement officer may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article.

(Code 1984, § 13-72)

State law reference—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.09(h).

Sec. 13-73. Nuisance declared.

Junked vehicles which are located in any place where they are visible from a public place or public right-of-way 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 are hereby declared to be a nuisance. (Code 1984, § 13-73)

State law reference—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.08.