

ORDINANCE NO. 6727

AN ORDINANCE AMENDING CHAPTER 26, "POLICE-MISCELLANEOUS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Sections 26.01(A), (B), (C), (E), and (F) of Chapter 26, "Police-Miscellaneous", of the Code of Ordinances of the City of Garland, Texas, are hereby amended in their entirety to read as follows:

Sec. 26.01. Unattended vehicles in public places

"(A) No person shall allow a vehicle to remain unattended in any place maintained by any governmental entity for a period of time in excess of forty-eight hours. A peace officer or other city official designated to enforce parking laws and regulations may take into custody any vehicle found to be in violation of this subsection (A). Prior to taking a violating vehicle into custody, a notice of violation shall be securely attached to the vehicle for a minimum of forty-eight hours, specifying the violation, the date, the approximate time, and the location of the violation.

(B) No person shall park or allow a vehicle to remain in any place maintained by any governmental entity unless such vehicle is currently in operable condition or in a state of good repair. A peace officer or other city official designated to enforce parking laws and regulations may take into custody any vehicle found in violation of this subsection (B).

(C) For the purposes of this section:

(1) Vehicle means and includes a motor vehicle, trailer, wagon, boat or other similar item.

(2) Place maintained by any governmental entity means and includes, but is not limited to, a street, alley, highway, park or public parking area including the grounds of a public school.

(3) State of good repair means the absence of such items as broken glass, substantial body damage (including, but not limited to, crushed or missing fenders, body panels, doors, hoods, or trunk deck) or missing parts otherwise necessary for operable condition.

(4) Currently in operable condition means presently capable of being lawfully operated on the streets and highways of this state; being currently registered with proper license plates displayed; having a current safety inspection; and being in running condition without the necessity of first being repaired such as, but not limited to, the inflating of tires or charging of the battery.

. . . .

(E) If the City takes into custody a motor vehicle that has been determined to be in violation of the Code, the City shall notify not later than the tenth day after taking the motor vehicle into custody, by certified mail, the last known registered owner of the motor vehicle and all lienholders of record pursuant that the vehicle has been taken into custody. The notice shall describe the year, make, model, and vehicle identification number of the motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle not later than the twentieth day after the date of the notice, on payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody, or garagekeeper's charges if notice is under Section 683.032 of the Texas Transportation Code and, if the vehicle is a

commercial motor vehicle impounded under Section 644.153(q) of the Texas Transportation Code, the delinquent administrative penalty and costs. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lienholders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

(F) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned is sufficient notice under this article. The notice by publication may contain multiple listings of abandoned vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a notice by certified mail."

Section 2

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 3

That Chapter 26, "Police-Miscellaneous", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

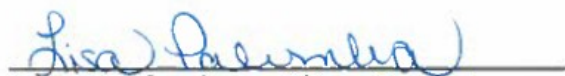
PASSED AND APPROVED this the 2nd day of September, 2014.

CITY OF GARLAND, TEXAS



Douglas Athas, Mayor

ATTEST:



Lisa Palomba, City Secretary

Published: 9/9/14 & 9/11/14