

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> July 28, 2015		<b>DATE SUBMITTED:</b> July 10, 2015	
<b>DEPARTMENT OF ORIGIN:</b> Water Services		<b>SUBMITTED BY:</b> Mark Jurica	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> Consider approving a proposed ordinance change to Chapter 38 "Environment" of the City of Bryan Code of Ordinances by amending in its entirety Section 38-21 Definitions.			
<p><b>SUMMARY STATEMENT:</b> Water Services respectfully requests the City Council approve amendment of Section 38-21 of the Bryan Code of Ordinances which defines a junk vehicle. Currently, the definition of a junk vehicle is limited only to vehicles which are required to be registered with the Texas Department of Motor Vehicles. This requirement limits staff's ability to address code violations for inoperable or dismantled vehicles which do not require registration and inspection but are causing an eyesore and nuisance.</p> <p>Staff recommends the registration requirement for a <i>junk vehicle</i> be omitted and the definition of a <i>vehicle</i> be expanded to include watercraft, aircraft, trailers, electric bikes, etc. which can be used for transport of persons and/or cargo. Approval of these changes will assist staff in addressing citizen complaints and self-directed case work concerning junk vehicles.</p> <p>Background concerning the recommended ordinance change was included in a code enforcement presentation made by staff during the May 26, 2015 and March 24, 2015 Bryan City Council Workshops.</p>			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Water Services respectfully requests City Council approval of the recommended changes to Chapter 38 "Environment". Approval of the proposed changes will improve neighborhood integrity and community aesthetics through elimination of public nuisances (e.g. junk vehicles).			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. Approve proposed ordinance change</li> <li>2. Do not approve the proposed ordinance change and provide alternative direction</li> </ol>			
<b>ATTACHMENTS:</b> Proposed Ordinance Amendment			
<b>FUNDING SOURCE:</b> N/A			
<b>APPROVALS:</b> Jayson E. Barfknecht 07/13/15			
<b>APPROVED FOR SUBMITTAL: CITY MANAGER</b> Kean Register, 7-10-2015			
<b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b> Janis K. Hampton, 07-13-2015			

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 38-21 OF CHAPTER 38, ARTICLE II, OF THE BRYAN CITY CODE OF ORDINANCES; EXPANDING THE DEFINITION OF “JUNKED VEHICLE”; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION IN THE NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, junked vehicles are a nuisance, acting as both an eyesore and safety hazard when not screened from access and view behind a screening fence; and

**WHEREAS**, the City’s current definition of junked vehicles is limited to only vehicles which are required to be registered by the Texas Department of Motor Vehicles; and

**WHEREAS**, many inoperable and disassembled vehicles which do not require registration create nuisances need to be addressed by the City’s ordinance as junked vehicles;

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

Section 1.

That Chapter 38, Environment, Article II, Abandoned and Junked Vehicles, Section 38-21 of the Bryan Code of Ordinances is hereby amended by replacing it in its entirety with the following:

“Sec. 38-21. 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:

*Junked vehicle* means any vehicle, as defined by this section, which:

- 1) Is wrecked, dismantled or partially dismantled, or discarded; or
- 2) Is inoperable and has remained inoperable for more than:
  - a. Seventy-two consecutive hours, if the vehicle is on public property; or
  - b. Thirty consecutive days, if the vehicle is on private property; or
- 3) Is an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
- 4) Is a watercraft that:
  - (1) does not have lawfully on board an unexpired certificate of number; and
  - (2) is not a watercraft described by Section 31.055, Parks and Wildlife Code.

*Vehicle* means:

- 1) a vehicle, as defined in V.T.C.A., Transportation Code § 683.071, as amended;
- 2) an all-terrain vehicle, as defined in V.T.C.A., Transportation Code § 663.001, as amended;
- 3) an electric bicycle or electric personal assistive mobility device; or
- 4) any other object used for transportation of persons or cargo, regardless of whether self-propelled or attached to another vehicle for transport.

Section 2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3.

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 4.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

Section 6.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

Section 7.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for violation thereof, and the effective date.

Section 8.

That this ordinance shall take effect from and after its final passage and publication as required by law. The effective date of this ordinance shall be August \_\_\_\_, 2015.

**PRESENTED AND GIVEN** first reading the 28th day of July, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 4th day of August, 2015, by a vote of \_\_\_\_ ayes and \_\_\_\_ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Jason Bienski, Mayor

APPROVED AS TO FORM:

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Janis K. Hampton, City Attorney