

**ORDINANCE NO. 06052018-02**

**AN ORDINANCE OF THE CITY OF POTEET, TEXAS (CITY) AMENDING POTEET ORDINANCE No. 05012018-01 ARTICLE I SECTION 6 APPLICATION OF ARTICLE; REGULATING JUNK VEHICLES AS PUBLIC NUISANCES; PROVIDING FOR SEVERABILITY; REPEALER; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Poteet has determined a municipal need to clarify, define and set forth acts in the municipal code of ordinances which constitute a junk vehicle as a public nuisance and are necessary to maintain the health, safety, governance and good order of the City; and

**WHEREAS**, the City wishes to amend the junk vehicle as a public nuisance ordinance of its municipal code in order to address a declared public need; and

**WHEREAS**, the governing body of the City wishes to amend the Municipal Code of Ordinances of the City in the manner and form set forth below;

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

**SECTION 1: AMENDMENT**

**ARTICLE I - JUNKED VEHICLES: PUBLIC NUISANCE ; ABATEMENT**

**SECTION 6. APPLICATION OF ARTICLE.**

- (a) This ordinance may not apply to a vehicle or vehicle part:
  - (1) that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
  - (2) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
    - (a) maintained in an orderly manner;
    - (b) not a health hazard;
    - (c) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery; and/or
    - (d) located on private property and covered in a fitted car cover.

**SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsections, sentences, clauses, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

**REPEALER**

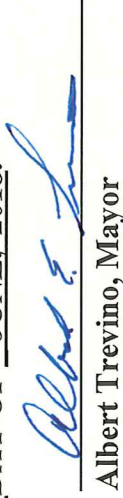
All ordinances in effect when this Ordinance becomes effective which as inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF POTEET TEXAS AND EFFECTIVE THIS 5<sup>TH</sup> DAY OF JUNE, 2018.**

Attest:



**Abigayle Frautschi, City Secretary**



**Albert Trevino, Mayor**