

**TOWN OF BARTONVILLE  
ORDINANCE NO. 495-10**

**AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, BY AMENDING CHAPTER 8, ARTICLE 8.100 ABANDONED AND JUNKED MOTOR VEHICLES, SECTION 8.305 NOTICE REQUIREMENTS TO PROVIDE ADDITIONAL NOTIFICATION REQUIREMENTS; AND BY AMENDING CHAPTER 8, ARTICLE 8.100 ABANDONED AND JUNKED MOTOR VEHICLES, SECTION 8.306 PROVIDING FOR THE BOARD OF ADJUSTMENTS TO CONDUCT HEARINGS FOR THE DETERMINATION OF A JUNK VEHICLE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR SAVINGS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety and welfare of its citizens to amend Chapter 8 of the Code of Ordinances to provide new regulations for abandoned and junked motor vehicles; and

**WHEREAS**, Section 683.071 of the Texas Transportation Code provides for procedures for the adoption of requirements to abate and remove junked vehicles from private or public property by a municipality.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**

That the Code of Ordinances of the Town of Bartonville, Texas, be, and the same is, hereby amended by amending Chapter 8, Article 8.300, Section 8.305 Notice Requirements Subsection (a) to include additional notification delivery requirements to read as follows:

**“Sec. 8.305. NOTICE REQUIREMENTS**

- (a) Upon determination that a public nuisance exists, the Town must provide not less than 10 days' notice of the nature of the nuisance. The notice must be personally

delivered or sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:

- (1) the last known registered owner of the nuisance;
- (2) each lienholder of record of the nuisance; and
- (3) the owner or occupant of:
  - (A) the property on which the nuisance is located; or
  - (B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(b) . . . . .”

## **SECTION 2**

That the Code of Ordinances of the Town of Bartonville, Texas, be, and the same is, hereby amended by amending Chapter 8, Article 8.300, Section 8.306 Hearing Subsection (a) providing for the Board of Adjustments to conduct hearings for the determination of a junk vehicle to read as follows:

### **“Sec. 8.306 HEARING**

(a) The Town Council hereby designates the Board of Adjustments to hear any requests for hearings under the procedures adopted under this subchapter.

(b) . . . . .”

## **SECTION 3 CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

## **SECTION 4 SAVINGS.**

That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

## **SECTION 5 SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and

if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6  
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 7  
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 8  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED by a vote of \_\_\_ to \_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

APPROVED:

\_\_\_\_\_  
Ron Robertson, Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Debbie E. Millican, Town Administrator