



**CITY OF SHAVANO PARK**  
**900 Saddletree Court Shavano Park, TX 78231**

**CITY POLICY NO. 23**

SUBJECT: Junked Vehicle Board of Appeals

March 27, 2023

**1. References.**

- a. Texas Transportation Code Chapter 683, Subchapter E
- b. City of Shavano Park, Texas – Code of Ordinances / Chapter 32, Article VII. -  
REGULATION OF JUNKED VEHICLES
- c. Minutes of March 27, 2023 City Council meeting

**2. Purpose.** The purpose of this policy is to provide appointment of members to the Junked Vehicle Board of Appeals and guidance for the preparation and conduct of the Junked Vehicle Board of Appeals hearing proceedings.

**3. Staff Point-of-Contact.** The staff point of contact for this policy is the City Secretary at 210.581.1116 or [citysecretary@shavanopark.org](mailto:citysecretary@shavanopark.org).

**4. Background.**

a. Texas Transportation Code Sec. 683.074 states a municipality or county may adopt procedures that conform to subchapter E for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.

b. Sec. 32-156 of City of Shavano Park Code of Ordinances establishes that City Council shall appoint a board to act as Junked Vehicle Board of Appeals to conduct hearings on appeals from Municipal Court necessary orders to enforce an abatement action taken by the Code Official.

**6. Policy.**

a. The City Council of the City of Shavano Park appoints the members of the Board of Adjustment to serve as the members of the Junked Vehicle Board of Appeals. All appointments and terms of the Board of Adjustment will be co-appointments and co-terms with the Junked Vehicle Board of Appeals.

b. The Junked Vehicle Board of Appeals shall conduct all appeal hearings in accordance with this policy and Sec. 32-158 of City Ordinances.

c. Appellants will be provided a packet containing information on how to prepare their case to the Junked Vehicle Board of Appeals. The packet should have a checklist of the statutory and local ordinance factors needed to prove their vehicle is not a junked vehicle and does not constitute a public nuisance. The packet should emphasize to the applicant that each and every

factor must be met and that the burden is the appellant. While it is not necessary for an attorney to present the case on behalf of the applicant, because of the quasi-judicial nature of the proceeding and the fact that it is an appealable decision, it will be strongly suggested that the applicant has legal representation.

d. The appellant's packet submission must be notarized and shall be submitted to the City Secretary. The City Secretary shall deliver the appellant's packet submission to the Junked Vehicle Board of Appeals and Code Official and arrange for a public hearing to be held as soon as practical, but not earlier than the eleventh (11<sup>th</sup>) day following service of the notice to remove the vehicle.

e. Code Official shall prepare a packet submission providing evidence for their determination that the vehicle(s) being appealed meet the definition of a junked vehicle and constitute a public nuisance under Texas statute and local ordinance.

f. Packets prepared by both the appellant and the Code Official shall be provided to the Junked Vehicle Board of Appeals by the City Secretary.

g. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable. The Junked Vehicle Board of Appeals shall not overturn a Code Official's decision unless the Junk Vehicle Board of Appeals determines that a preponderance of the presented evidence proves that the Code Official's decision was in error.

h. After the case is presented and discussion is completed, the Chairman will request a motion. Motions made shall be to either (1) finding the vehicle(s) is a nuisance and issue an order requiring abatement of the junked vehicle as a public nuisance or (2) issue an order finding that the vehicle is not a public nuisance and overturning the decision of the Code Official.

All motions shall, if such information is available, include:

- (i) for a motor vehicle, the vehicle's:
  - 1. description;
  - 2. vehicle identification number; and
  - 3. license plate number;
- (ii) for an aircraft, the aircraft's:
  - 1. description; and
  - 2. federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
- (iii) for a watercraft, the watercraft's:
  - 1. description; and
  - 2. identification number as set forth in the watercraft's certificate of number.

Motions overturning the decision of the Code Official shall cite specific evidence to declare the Code Official's decision to be in error.

The above findings within the motion shall be recorded in the minutes of the meeting. All meetings of the Board shall be audio recorded.

i. When the Junked Vehicle Board of Appeals meets, the City Attorney will provide a brief review of Texas Law and City Ordinances to the Board prior to the meeting.