

VEHICLE ABATEMENT HIGHLIGHTS

There is no time limit on how long a visually operable and legally parked vehicle can be parked on a public roadway.

To be legal, a vehicle must be parked in the direction of traffic as well as parallel to, and within 18 inches of, the curb.

There is no law governing how often a person must use their vehicle. A car covered with a fitted car cover or tarp is not sufficient reason to tag the vehicle.

Expired inspection and/or registration stickers don't qualify a vehicle as abandoned, as they are moving violations. As long as the car is parked, they are not applicable.

There is no state or local law that deals with fully operational vehicles parked legally in front of postal mailboxes; therefore, APD has no authority to tag them. The mail carrier is allowed to exit his vehicle (in safety) in order to deliver mail. If delivery is held because of an issue outside the resident's control, it should be reported to the local postmaster.

APD does not enforce HOA bylaws or rules.

Abatement procedures do not apply to a vehicle or vehicle part that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property.

ABANDONED MOTOR VEHICLE

Texas Transportation Code - Chapter 683, Subchapter A, Section .002

A motor vehicle is considered abandoned if, for more than 48 hours, it:

- is inoperable*, is more than 5 years old and has been left unattended on public property;
- remained illegally on public property; or
- is parked on private property without the consent of the owner/manager

A vehicle that does not fit at least one of these criteria cannot be tagged and impounded.

**Texas Transportation Code defines an INOPERABLE MOTOR VEHICLE means a motor vehicle that, because of mechanical failure, breakdown, or disrepair cannot be started, driven, operated, steered, or stopped under its own power and without causing damage to the vehicle. This is to be determined visually, meaning that an officer can look at the vehicle and visually and reasonably determine that it cannot be operated.*

Things that make a vehicle inoperable include flat or extremely low tires, missing essential parts (mechanical or otherwise), excessively leaking any type of motor fluid, being used as a storage facility, covered or surrounded by debris, or being wrecked.

STOPPING, STANDING, AND PARKING

TEXAS TRANSPORTATION CODE - Chapter 545, Subchapter G, Sections .301 - .303

An operator may not stop, stand, or park a vehicle:

- on the roadway side of a vehicle stopped or parked at the edge or curb (“double-parked”);
- on a sidewalk;
- on an intersection;
- on a crosswalk;
- in an alley; or
- in an easement (between curb line/lateral line of roadway and adjacent property line)

An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

- in front of a public or private driveway;
- within 15 feet of a fire hydrant;
- within 20 feet of a crosswalk at an intersection; or
- within 30 feet on the approach to a traffic-control signal, stop sign, or yield sign.

To have a vehicle removed from a property that you own, manage, or are a legally recognized authority over, a Private Property Affidavit must be completed.

STOPPING, STANDING, AND PARKING

AUSTIN CODE OF ORDINANCES - Chapter 12-5

A person may not:

- stand or park a vehicle to display it for sale, to wash it, or to repair it (except for an emergency). This section applies to a public street, park, playground, golf course, or athletic field. *(12-5-4)*
- park a vehicle with a gross vehicle weight greater than 9,000 pounds on a public street with a speed limit of 30 MPH or less. *(12-5-9)*
- park on a public street a trailer or other non-motorized equipment designed to be towed by a vehicle or other self-propelled equipment (unless it is connected at all times to a motorized vehicle). *(12-5-10)*
- park a self-propelled motor home or other motor vehicle containing a permanently installed sleeping facility or human sanitary treatment/disposal facility on a public street or alley for longer than 72 continuous hours. *(12-5-11)*

JUNKED VEHICLE

Texas Transportation Code - Chapter 683, Subchapter E, Section .071

A vehicle that is self-propelled and is:

- wrecked, dismantled or partially dismantled, or discarded; or
- inoperable and has remained inoperable for more than:
 - ✓ 72 consecutive hours (on public property) or,
 - ✓ 30 consecutive days (on private property).

NUISANCE VEHICLE

Texas Transportation Code – Chapter 683, Subchapter E, Section .072

A junked vehicle can be declared a public nuisance if it is viewable any time of year from the public street and it:

- is detrimental to the safety and welfare of the public;
- tends to reduce the value of private property;
- invites vandalism;
- creates a fire hazard;
- creates a hazard to the health and safety of minors;
- produces urban blight adverse to the maintenance and continuing development of municipalities; and
- is a public nuisance.