

Public Nuisance

What can be done about junk vehicles in my neighborhood?

The State of Texas Transportation Code 683.072 defines a junk vehicle declared to be a public nuisance as a junked vehicle, including a part of a junked vehicle that is visible at any time of the year from a public place or public right-of-way:



1. Is detrimental to the safety and welfare of the public;
2. Tends to reduce the value of private property;
3. Invites vandalism;
4. Creates a fire hazard;
5. Is an attractive nuisance creating a hazard to the health and safety of minors;
6. Produces urban blight adverse to the maintenance and continuing development of municipalities; and
7. Is a public nuisance.

Procedures for removal of a public nuisance (motor vehicle) are as follows:

1. First a complaint has to be made through a law enforcement agency.
2. A peace officer is dispatched to the location of the complaint to establish if the public nuisance meets the criteria as stated above. The officer will complete a field investigation form, pictures will be taken of the public nuisance for the case file, and the officer will attempt to contact the property or vehicle owner at which time he will serve a notice to abate the public nuisance. Upon issuance of notice, the owner has 5 days to appeal the public nuisance abatement with the health department or within 10 days to abate the public nuisance. After the 10th day of issuance of notice, the officer will make a re-inspection. Upon verification that the public nuisance is still there, the officer will contact the Justice of the Peace of that jurisdiction and complete a Public Nuisance Abatement Affidavit requesting the Justice of the Peace to issue a subpoena to have that individual appear in court for failure to remove the public nuisance. If the Justice of the Peace finds the individual guilty, the individual can be fined no more than \$200 for failure to remove the public nuisance. It should be noted that the Justice of the Peace can only assess a fine and cannot order removal of the vehicle.
3. The next procedure for the officer to follow is to refer the complete case file to Harris County Public Health and Environmental Services to verify that all steps have been completed and the individual still refuses to remove the public nuisance motor vehicle. The Public Health and Environmental Services administrator will petition Commissioner's court for a court order to remove the vehicle.

Other examples of public nuisances that are handled by the Harris County Health & Environmental Services include:

1. Refuse and trash
2. Maintaining premises in an unsanitary condition - high weeds, open containers that create a habitat for mosquitoes, rodents, and/or disease-carrying pests.

3. Maintaining a swimming pool on occupied or unoccupied property that is not protected with a fence at least 4 ft. high or has a latched gate that cannot be opened by a child or protected by a cover over the entire swimming pool that cannot be removed by a child.
4. Abandoned properties.

What I have given you is basically the law pertaining to abandoned vehicles and public nuisances. Although this may sound complicated and time consuming, for the most part it is not. In 95 % of the cases when a complaint is registered and the violator is contacted, compliance is within a reasonable length of time and none of the above procedures have to be followed. In the very few cases where the violator refuses to cooperate, the above procedure has to be implemented and legal action is taken. If you have any questions, you may contact your local law enforcement agency or Chief Bob Wooten who handles abatement and public nuisance complaints at my office at 281-427-4792. One must remember that for a public nuisance and abatement complaint to be acted upon, it must fall within the guidelines as stated in the State of Texas Transportation Code 683.072.

Thank you,

Constable Ken Jones