

ORDINANCE NO. 19-20

**AN ORDINANCE REGULATING JUNK MOTOR VEHICLES,
INCLUDING BOATS AND MOTOR HOMES WITHIN THE
CITY OF UHRICHSVILLE; ESTABLISHING CRIMINAL OFFENSE
AND PENALTIES**

WHEREAS, the City Council has determined it necessary to regulate junk motor vehicles, including boats and motor homes within the City of Uhrichsville.

WHEREAS, the City Council has determined that the keeping, storage, and harboring of junk motor vehicles, including boats and motor homes, depresses the property values within the City; and

WHEREAS, the City Council desires to preserve property values and regulate the keeping, storage, and harboring of junk motor vehicles, including boats and motor homes, within the City to preserve the value of real property within the City; now therefore

BE IT ORDAINED the City of Uhrichsville, State of Ohio:

SECTION 1. DEFINITIONS.

For the purpose of this Ordinance, certain terms are defined as follows:

- (a) "Junk motor vehicles" mean a motor vehicle, boat, or motor home that is:
1. *Apparently inoperable; and*
 2. Extensively damaged, including, but not limited to any of the following: deflated, wrecked, or missing tires or rims; missing or wrecked body parts; broken or missing headlights; taillights or brake lights; broken, cracked or missing windows or windshields; missing all or part of the motor or transmission; missing or invalid license plate(s).
- (b) "Junk motor vehicle parts" means portions of motor vehicles, boats or motor homes, including, but not limited to hoods, fenders, radiators, rims, motor parts, not being utilized for the repair of a motor vehicle, boat, or motor home.
- (c) "Inoperative condition" means being incapable of being propelled under its own power.

SECTION 2. STORAGE OF JUNK MOTOR VEHICLE PROHIBITED.

No person, firm, or corporation, including any officer, agent, or employee of any firm or corporation acting in its behalf and within the scope of the officer's, agent's or employee's office or employment, unless otherwise authorized by law, shall keep, store, place or allow to remain on any private property within the corporate limits of the City any junk motor vehicle, junk boat, junk

motor home, junk motor vehicle parts, or motor vehicle in an inoperative condition, unless such is fully enclosed within the garage or other suitable permanent structure.

SECTION 3. ABANDONMENT OF MOTOR VEHICLES.

No person shall abandon any motor vehicles on any public or private property within the corporate limits of the City. A vehicle will be considered abandoned if it is left for more than twenty-four (24) hours on private property without the permission of a person having the right to the possession of the property, or if it is left for more than forty-eight (48) hours on a public street or other property open to the public for purposes of vehicular travel or parking, within the right-of-way of any road.

SECTION 4. IMPOUNDING.

The Chief of Police or any member of his Department designated by him is hereby authorized to remove any vehicle abandoned within the City in violation to its ordinance. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the Ohio Revised Code.

SECTION 5. NOTICE TO REMOVE JUNK MOTOR VEHICLES OR TO ENCLOSE.

(a) The City Police Chief or his designee, upon obtaining knowledge of a violation of this Ordinance, shall notify the person in charge or control of such junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperative condition to remove the violating property or to enclose the violating property within a garage or other suitable permanent structure within ten (10) days of receipt of the notice. Notice may be provided in person, or by leaving written notice on the violating property. The ten (10) day period shall commence to run on the day it is provided.

(b) Upon failure of the person in charge or control of the junk motor vehicle, junk motor vehicle parts, or motor vehicle parts in an inoperative condition to comply with the notice to remove or enclose the property, the Chief of Police or any member of his Department may proceed to issue a citation for any violation of this ordinance existing after ten day period has expired.

SECTION 6. DISPOSITION OF PROPERTY.

Upon conviction under this Ordinance, whether for a first or subsequent offense, the Court is authorized to order junk motor vehicle, boat, motor home, junk motor vehicle parts, or motor vehicle, boat, or motor home in an inoperative condition removed from the property and to direct the Chief of Police or his designee to remove the vehicle, boat, or motor home if the defendant does not comply with the Court's order. Such property, if so removed, shall be impounded and disposed of in accordance with the Ohio Revised Code.

SECTION 7. LIABILITY.

The City, its officials, employees and agents shall assume no liability whatsoever for any personal property abandoned or allowed to remain on private property which has been taken into custody, stored or disposed of as provided above.

SECTION 8. EXCEPTIONS.

(a) The provisions of this Ordinance shall not apply to a junk motor vehicle, junk motor vehicle part, or motor vehicle in an inoperative condition that are fully enclosed within a garage or others suitable permanent structure.

(b) The provisions of this Ordinance shall not apply to any lawfully operated and duly licensed auto wrecking yards and junk yards, and scrap metal processing facilities.

SECTION 9. LEAVING JUNK VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(a) No person shall willfully leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

SECTION 10. PENALTY.

Whoever violates any provisions of this Ordinance shall be guilty of a 4th Degree misdemeanor punishable by up to \$150.00 fine for each offense and shall be assessed any costs incurred by the City of Uhrichsville in disposing of such motor vehicle, junk motor vehicle, including boats and motor homes, junk motor vehicle parts, or motor vehicle in an inoperative condition, less than any money accruing to the City from such disposal. Each day that a violation of this Ordinance continues constitutes a separate offense and each violating vehicle, boat, or motor home, or part, thereof, constitutes a separate offense.

First Reading: _____ 6/25/20 _____
Second Reading: _____ 7/9/20 _____
Third Reading: _____ 7/23/20 _____
Passed: _____ 7/23/20 _____

Robert Cottrell

Robert Buck Cottrell, Council President

Mark Haney

Mark Haney, Mayor

ATTEST:

Trisha Addison

Trisha Addison, Council Clerk

James J. Ong

James J. Ong, Law Director