

## **ORDINANCE No. 16-02**

### **AN ORDINANCE REGULATING JUNK MOTOR VEHICLES, INCLUDING BOATS AND MOTOR HOMES WITHIN THE VILLAGE OF MAGNETIC SPRINGS; ESTABLISHING CRIMINAL OFFENSE AND PENALTIES**

WHEREAS, Council has determined it is necessary to regulate junk motor vehicles, including boats and motor homes within the Village of Magnetic Springs, Ohio; and

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

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

BE IT ORDAINED, by the Village of Magnetic Springs, State of Ohio:

#### **SECTION I. DEFINITIONS.**

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

- a) "Junk motor vehicle" means 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 II. 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 Village any junk motor vehicle, junk boat, motor home, junk motor vehicle parts, or motor vehicle in an inoperative condition, unless such is fully enclosed within a garage or other suitable permanent structure.

### SECTION III. ABANDONMENT OF MOTOR VEHICLES

No person shall abandon any motor vehicle on any public or private property within the corporate limits of the Village. 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, or within the right-of-way of any road or highway.

### SECTION IV. IMPOUNDING

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

### SECTION V. NOTICE TO REMOVE JUNK MOTOR VEHICLE OR TO ENCLOSE.

- a) The Mayor or ~~County 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 15 days of receipt of the notice. Notice may be provided in person, or by leaving written notice on the violating property, or by mail. The 15-day period shall commence to run on the day the notice is provided.
- b) Upon failure of the person in charge or control of the junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperative condition to comply with the notice to remove or enclose the property, the Mayor, or Chief of Police or any member of his Department may proceed to issue a citation for any violation of this ordinance existing after the 15-day period has expired.

### SECTION VI. DISPOSITION OF PROPERTY

Upon conviction under this ordinance, whether for a first or subsequent offense, the court is authorized to order the 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 Mayor, 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 VII. LIABILITY

The Village, 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 VIII. EXCEPTIONS.

- a) The provisions of this ordinance shall not apply to a junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperative condition that are kept fully enclosed within a garage or other 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.

c) classic car

#### SECTION IX. 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 Mayor or Police Chief of the reasons for leaving the vehicle in such place.

For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Village.

- b) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Village in disposing of an abandoned junk motor vehicle that is the basis of violation, less the money accruing to the Village from this disposal of the vehicle.

#### SECTION X. PENALTY

Whoever violates any provision of this ordinance shall be guilty of a minor misdemeanor punishable by up to a \$150.00 fine for each offense and shall be assessed any costs incurred by the Village of Magnetic Springs 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 any money accruing to the Village 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.

SECTION XI. EMERGENCY

*This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, and welfare within the Village to preserve property values of real property owners within the Village.*

ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR Martha "Kathy" Cantrell

\_\_\_\_\_  
COUNCIL PRESIDENT, Carol Verity

\_\_\_\_\_  
ATTESTED BY  
Casey Tuck, Fiscal Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance pursuant to the provisions of the Ohio Revised Code, Section 731.25, I Casey Tuck, Fiscal Officer of the Village of Magnetic Springs, published by posting the same on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at each of the following public places in the Village of Magnetic Springs, as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And the Magnetic Springs Municipal Building on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal of office this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
FISCAL OFFICER