

VILLAGE OF MAGNETIC SPRINGS

ORDINANCE NO. 18-1

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

WHEREAS, the Village 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;

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

SECTION 1. 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, including, but not limited to, evidence of inability of being propelled by its own power or being stored in place for six (6) months or more; 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, cracked, or missing headlights; taillights or brakelights; 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.

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 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 3. 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 left for more than forty-eight (48) hours on a public street or other public property open to the public for purposes of vehicular travel or parking, or within the right-of-way of any road or highway.

SECTION 4. IMPOUNDING.

The Village Zoning Inspector or his/her designee designated by the Inspector 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 5. NOTICE TO REMOVE JUNK MOTOR VEHICLE OR TO ENCLOSE.

(a) The Village Zoning Inspector or his/her 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 a written notice on the violating property. The ten (10) 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 Zoning Inspector or his/her designee may proceed to issue a citation for any violation of this ordinance existing after the ten (10) day period has expired and immediately cause for the impound of such vehicle.

SECTION 6. DISPOSITION OF PROPERTY.

Upon conviction under this ordinance, whether for a first or subsequent offense, the Zoning Inspector is authorized to request a towing company to remove the junk motor vehicle, boat, motor home, junk motor vehicle parts, or motor vehicle, boat, or motor home in an inoperative condition. Such shall be removed from the property and such property, if so removed, shall be impounded and disposed of in accordance with the Ohio Revised Code 4513.64. The Zoning Inspector and his/her designee shall then issue a notice that such occurred to the property owner of record and specify the procedure, fees, and any penalties that may be incurred to reclaim said vehicle.

SECTION 7. 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 8. 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 facilities.

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

No person shall willingly leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio Revised Code 4513.63 on private property for more than seventy-two (72) 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 the purposes of vehicular travel or parking, or upon or within the right-of-way of any alley, road, or highway, for forty-eight (48) consecutive hours or longer, without notification to the Zoning Inspector of the reasons for leaving the vehicle in such a place. For the 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 alleys, streets, highways, public property, or private property within the Village.

SECTION 10. PENALTY.

Whoever violates any provision of this ordinance shall be:

- (a) Found guilty of a minor misdemeanor for each offense,
- (b) subject to a \$150.00 fine for each offense, and
- (c) shall be assessed any costs incurred by the Village of Magnetic Springs in disposing of the offending property, less any money accrued from such disposal.

Each day that a violation of this ordinance continues constitutes a separate offense and each violating vehicle, boat, motor home, or part thereof, constitutes a separate offense.

SECTION 11. EMERGENCY.

This ordinance is hereby declared to be an emergency measure necessary for the immediate

VIOLATION NOTICE FOR JUNK VEHICLES

DATE POSTED OR PROVIDED: _____

VEHICLE DESCRIPTION: _____

INDIVIDUAL PROVIDING NOTICE: _____ **PHONE NUMBER:** _____

The village of Magnetic Springs Zoning Inspector or his/her designee has found the described vehicle to be in violation of the Village of Magnetic Springs' ordinance regulating junk motor vehicles.

You are hereby ordered to remove the violating property or to enclose the violating property within a garage or other suitable permanent structure within ten (10) days of date of notice.

The ordinance states "No person...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." Additionally, "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 left for more than forty-eight (48) hours on a public street or other public property open to the public for purposes of vehicular travel or parking, or within the right-of-way of any road or highway."

If the violation remains after said deadline, the Village will impound the described vehicle until lawfully claimed or disposed of in accordance with the Ohio Revised Code 4513.64.

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.

Whoever violates any provision of this ordinance shall be:

- a. Found guilty of a minor misdemeanor for each offense,**
- b. subject to a \$150.00 fine for each offense, and**
- c. shall be assessed any costs incurred by the Village of Magnetic Springs in disposing of the offending property, less any money accrued from such disposal.**

Each day that a violation of this ordinance continues constitutes a separate offense and each violating vehicle, boat, motor home, or part thereof, constitutes a separate offense.

CERTIFICATE OF PUBLICATION

Pursuant to the provisions of the Ohio Revised Code, Section 731.25, I,

Casey Tuck, Clerk-Treasurer of the Village of Magnetic Springs, published by
posting the same on this 19th day of April, 2018, at each of the following public places in
the Village of Magnetic Springs, as follows:

Village Hall

Post Office

and the Magnetic Springs Town Hall on this 19th day of April, 2018.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal of office this 19th
day of April, 2018.

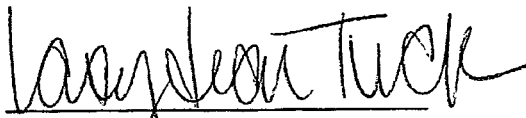
Casey Tuck

Casey Tuck, Fiscal Officer

preservation of the public peace, property, health, safety, and welfare within the Village to preserve property values of real property owners within the Village.

Passed this 19th day of April, 2018

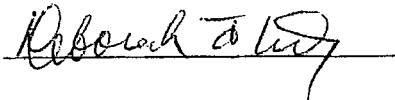
ATTEST:



Clerk-Treasurer

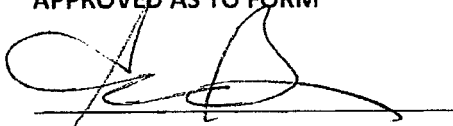
Mayor





Council President

APPROVED AS TO FORM



Alison Boggs

Village Council