

ORDINANCE NO.: 2017- 17
SPONSORS: MAYOR NEUGEBAUER
INTRODUCED: AUGUST 8, 2017

PLANNING

ASSIGNED TO: _____

AN ORDINANCE AMENDING SECTION 660.07, "STORAGE OF JUNK VEHICLES" OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning Division has recommended that Section 660.07 be amended to provide for clarity and uniformity in the enforcement of prohibiting junk cars in the City left uncovered and in the open on private property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Existing Section 660.07 of Green's Codified Ordinances be, and the same is hereby amended to read and provide, in its entirety, as it is set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by referenced.

SECTION TWO:

Any other ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of a conflict and all ordinances not amended by this Ordinance shall remain in full force and effect.

SECTION THREE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason that enforcement may go into effect as soon as possible. Provided that this legislation receives the affirmative vote of three-fourths ($\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: September 12, 2017

Molly Kapeluck
Molly Kapeluck, Clerk

Chris Humphrey
Chris Humphrey, Council President

APPROVED: September 12, 2017

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

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ENACTED EFFECTIVE: Sept. 12, 2017

ON ROLL CALL: Ahlstrom *-Aye* Dyer *-Aye* Humphrey *-Aye* Knodel *-Aye*
Speight *-Aye* Summerville *-Aye* Young *-Aye*
Adopted 7-0

Suburbanite publication on September 15 and September 22, 2017

Molly Kapeluck

Molly Kapeluck, Clerk

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08/03/2017 Approved as to form and content by Diane A. Calta, Director of Law

Diane A. Calta

660.07 STORAGE OF JUNK VEHICLES.

Exhibit "A" 2017-17

(a) (1) For purposes of this section, "junk motor vehicle" means any motor vehicle that meets any three (3) of the following requirements:

(A) ~~I~~which is three years old or older;

(B) Is extensively damaged or in disrepair, such damage or disrepair may includeing but not be limited to any of the following: missing wheels, tires, motor, ~~or~~transmission or similar major part;

(C) Is apparently not inoperable ("operable" means able to be started and driven under its own power to the nearest service station);

(D) ~~and having~~ Has a fair market value of one thousand five hundred dollars (\$1,500.00) or less;

(E) The vehicle is without a valid current registration and license tags;

(F) The vehicle is without a fully inflated tire(s);

(G) The vehicle that does not comply with all safety laws and equipment provisions for motor vehicles as found in Chapter 438.

(2) (A) A junk motor vehicle, that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property is declared a nuisance and shall be abated in accordance with the provisions of this section. A junk motor vehicle may only be excepted from this section, ~~except~~ if the person is operating a junk yard or scrap metal processing facility licensed under the authority of Ohio R.C. 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a licensed and operable collector's vehicle.

(B) The Municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the Municipality shall require a person having such permission to conceal, by means of being enclosed in a building or garage, fence, vegetation, terrain, or other suitable obstruction, any licensed collector's vehicle.

(3) "Motor vehicle" shall be as defined in Chapter 402.

(4) "Left in the open" shall mean not enclosed in a building or garage.

(5) "Collector's vehicle" means any motor vehicle that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed

collector's vehicle" means a collector's vehicle that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

~~(2) The Municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the Municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.~~

~~(63)~~ Law enforcement~~The Police Chief~~, the Council, or the zoning authority may send notice, by certified mail or express/overnight mail with return receipt requested, or by personal deliver, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

~~(74)~~ No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense.

(b) (1) After a motor vehicle has been determined to be a junk motor vehicle, as provided herein, and the same has not been removed after proper notice, law enforcement shall cause the junk motor vehicle to be removed from the property where the junk motor vehicle is located by a salvage service and stored in a designated facility.

(2) Any junk motor vehicle which has been removed and stored pursuant to this section shall be disposed of in accordance with the procedures set forth in Ohio Revised Code 4513.61.

~~(cb)~~ Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor of a first offense. If the offender previously has been convicted of or pleaded guilty to one violation of this section, whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, whoever violates this section is guilty of a misdemeanor of the third degree.

(d) All costs and expenses incurred by the City in removing any junk motor vehicle, together with the administrative charge of One Hundred Dollars (\$100.00) per junk motor vehicle, shall be reported to the Director of Finance, who shall mail an invoice thereof to the owner of the property. If after thirty (30) days the amount remains unpaid, the Director of Finance shall refer the matter to the City Law Director, including a statement of all costs and expenses incurred by the City along with the administrative charge. Upon receipt of such statement, the City Law Director shall make written return to the Auditor of Summit County of the action taken pursuant to this section, with the statement and a proper description of the premises, to be entered upon the tax duplicate for the County for the purpose of making the same a lien upon such lands, to be

collected as other taxes and returned to the City with the General Fund in accordance with Ohio Revised Code 731.54.

(ORC 4513.65)

