

ORDINANCE NO. 1662

AN ORDINANCE REGULATING ABANDONED AND JUNK MOTOR VEHICLES AND VEHICLE PARTS WITHIN THE VILLAGE OF COLDWATER, OHIO; ESTABLISHING PENALTIES; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the Village Council has determined that it is necessary to regulate abandoned and junk motor vehicles and vehicle parts within the Village of Coldwater; and

WHEREAS, the Village Council has determined that the keeping, storage, and harboring of abandoned and junk motor vehicles and parts depresses the property values within the Village and is injurious to the general health, safety and welfare of the residents of the Village of Coldwater; and

WHEREAS, the Village Council desires to preserve property values and regulate the keeping, storage and harboring of abandoned and junk motor vehicles and parts within the Village to preserve the value of real property within the Village and protect the general health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF COLDWATER, OHIO, AS FOLLOWS:

SECTION 1: Definitions

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

(a) “*Motor Vehicle*” means a self-propelled road vehicle or off-road vehicle, commonly wheeled, that is used for the transportation of people and/or property, including devices designed to be pulled, drawn or towed by a motor vehicle. Vehicles that are clearly intended for operation on roadways are motor vehicles. The definition of motor vehicle shall include cars, trucks, motorcycles, buses, off-road vehicles, boats, trailers, motor homes and campers.

(b) “*Junk motor vehicle*” means a motor vehicle that meets any two of the following criteria:

- (1) Is 3 years old or older;
- (2) Apparently inoperable;
- (3) 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; dismantled or partially dismantled; unregistered, missing or invalid license plates or tags.

(c) “*Junk motor vehicle parts*” means portions of motor vehicles, including but not limited to hoods, fenders, radiators, rims, and motor parts, not being utilized for the repair of a motor vehicle.

(d) “*Inoperable*” means any motor vehicle incapable of being moved and/or operated under its own power. Any motor vehicle that is not moved for 30 consecutive days shall be presumed inoperable.

(e) “*Abandoned motor vehicle*” means any motor vehicle that:

- (1) Is left on private property for 48 hours or longer without the permission of the person having ownership or the right to the possession of the property.
- (2) Is left on a public roadway or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any roadway, for 48 hours or longer without permission of the Chief of Police of the Village of Coldwater.

The fact that a motor vehicle has been so left without permission shall be prima-facie evidence of abandonment.

(f) “*Private property*” refers to any non-government-owned real property in the Village.

(g) “*Public property*” refers to any public street, alley, highway, boulevard, sidewalk, bikeway, parking lots, or other property open to public use for vehicular traffic or parking, and any other property owned or operated by the Village and any right-of-way thereof.

(h) “*Person*” refers to any individual, firm, partnership, company, association, corporation or organization. Person includes any officer, director, agent, employee or legal representative of any firm, partnership, company, association, corporation or organization.

SECTION TWO: Storage of Junk Motor Vehicles, Parts and Inoperable Vehicles Prohibited.

No person shall keep, store, place or allow to remain on any private property within the corporation limits of the Village of Coldwater any junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperable condition unless such is fully enclosed within a garage or other suitable permanent structure.

Upon obtaining knowledge of the violation of this Section, the Chief of Police or any member of his Department shall notify the person in charge or control of such junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperable 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 any manner provided by the Ohio Rules of Civil Procedure for service of summons in civil actions, in person, or by conspicuously leaving written notice on the violating property. If no person in charge or control of such property can be found, notice to such persons may be published once in a daily newspaper of general circulation within the Village. The ten (10) day notice shall commence to run on the day notice is provided.

Upon failure of the person in charge or control of the junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperable condition to comply with the notice to remove or enclose the violating 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 the ten (10) day period has expired.

Upon conviction under this Ordinance, whether for a first or subsequent offense, the court is authorized to order the junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperable condition removed from the property and to direct the Chief of Police or any member of his Department to remove such vehicle or parts if the defendant does not comply with the court's order. Such property, if so removed, shall be impounded until lawfully claimed or disposed of in accordance with the Ohio Revised Code.

SECTION THREE: Abandoned Motor Vehicles Prohibited

No person shall abandon or willfully leave, store, place or allow motor vehicles to remain on any public or private property within the corporation limits of the Village of Coldwater, for 48 hours or longer without permission. For purposes of this Ordinance, the fact that such vehicle has been so left shall be prima-facie evidence of abandonment.

Upon obtaining knowledge of the violation of this Section, the Chief of Police or any member of his Department shall notify the person in charge or control of such abandoned motor vehicle to remove the violating property within ten (10) days of receipt of the notice. Notice may be provided in any manner provided by the Ohio Rules of Civil Procedure for service of summons in civil actions, in person, or by conspicuously leaving written notice on the violating property. If no person in charge or control of such property can be found, notice to such persons may be published once in a daily newspaper of general circulation within the Village. The ten (10) day notice shall commence to run on the day notice is provided.

Upon failure of the person in charge or control of the abandoned motor vehicle to comply with the notice to remove the violating 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 the ten (10) day period has expired.

Upon conviction under this Ordinance, whether for a first or subsequent offense, the court is authorized to order the abandoned motor vehicle removed from the property and to direct the Chief of Police or any member of his Department to remove such vehicle if the defendant does not comply with the court's order. Such property, if so removed, shall be impounded until lawfully claimed or disposed of in accordance with the Ohio Revised Code.

SECTION FOUR: Liability

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

SECTION FIVE: Exceptions

The provisions of this Ordinance shall not apply to:

- (a) Junk motor vehicles, junk motor vehicle parts, or motor vehicles in an inoperable condition that are fully enclosed within a garage or other suitable permanent structure.
- (b) Any lawfully operated business whose primary purpose is to restore damaged vehicles.
- (c) Any non-junk and operable motor vehicle that is part of a bona fide commercial operation.
- (d) Any motor vehicle that is a collector's vehicle as defined by ORC §4501.01(F).

SECTION SIX: Penalty

Whoever violates any provision of this Ordinance shall be guilty of:

- (a) A minor misdemeanor on the first offense;
- (b) A misdemeanor of the 4th degree on the second offense;
- (c) A misdemeanor of the 3rd degree on each subsequent offense.

Each day that a violation of this Ordinance continues constitutes a separate offense and each violating vehicle or part thereof, constitutes a separate offense. Each violation shall be assessed court costs and any costs incurred by the Village of Coldwater in disposing of such junk motor vehicle, junk motor vehicle parts, motor vehicles in operable condition and abandoned motor vehicles, less any money accruing to the Village for the disposal.

SECTION SEVEN: Effective Date

This Ordinance shall be effective from and after its passage.

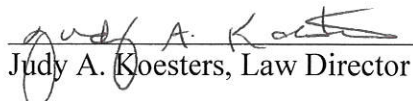
SECTION EIGHT: Inconsistent Legislation

All legislation inconsistent herewith shall be, and hereby is, repealed.

Adopted on this 28TH day of August, 2017.


Joseph H. Knapschaefer, Mayor

Approved:


Judy A. Koesters, Law Director

Attest:


Jason Eyink, Clerk of Council