

Village of Crooksville, Ohio

ORDINANCE NO. 2296

ORDINANCE TO PROHIBIT WILLFULLY ABANDONING JUNK MOTOR VEHICLE AND ESTABLISHING A PENALTY THEREFORE

NOW THEREFORE BE IT, AND IT IS HEREBY ORDAINED by the Village of Crooksville, Perry County, State of Ohio, that:

Section One: Definitions

- (a) "Abandoned Junk Motor Vehicle" means any motor vehicle meeting all of the following requirements:
- (1) Left on private property for forty-eight hours or longer without the permission of the person having the right to the possession of the property, 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 hours or longer;
 - (2) Five years old, or older;
 - (3) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
 - (4) Apparently inoperable;
 - (5) Having a fair market value of one thousand five hundred dollars (\$1,500.00) or less.
- (b) "Junk Motor Vehicle" means any motor vehicle meeting all of the following requirements:
- (1) Five years old, or older;
 - (2) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
 - (3) Apparently inoperable;
 - (4) Having a fair market value of one thousand five hundred dollars (\$1,500.00) or less;
 - (5) Left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of §§ 4737.05 to 4737.12 of the Ohio Revised Code, or regulated under authority of a political subdivision, is operating a licensed auto repair yard, licensed paint spray shop, licensed gasoline yard, licensed vehicle dealership yard, or if the motor vehicle is a collector's vehicle.
- (c) "Motor Vehicle" means every vehicle propelled or drawn by power other than human power, designed to travel along the ground, in the air or through the water by use of wheels, threads, runners, slides, wings or hulls and to transport persons or property or pull non-self-propelled vehicles or machinery and includes, without limitation, automobile, airplane, boat, truck, trailer,

motorcycle, motor scooter, moped, tractor, buggy, and wagon. Further, for purposes of this Ordinance, "Motor vehicle" includes manufactured homes and mobile homes.

- (d) "In the Open" means not garaged.

Section Two: Prohibitions, Abandoned Junk Motor Vehicle

- (a) No person shall willfully leave an abandoned junk motor vehicle on private property for more than seventy-two 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 hours or longer without notification to the Chief of Police of the reason for leaving the motor vehicle in such place.
- (b) For purposes of this Section, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

Section Three: Provisions and Prohibitions, Junk Motor Vehicle

- (a) The Chief of Police, the Village Administrator, or the Village Council may send notice, by certified mail with return receipt requested, to the person having the right to 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.
- (b) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section.
- (c) 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.

Section Four: Storage and Disposal of Abandoned Junk Motor Vehicle or Junk Motor Vehicle

- (a) The Chief of Police may order removed and placed into storage any abandoned junk motor vehicle that has been on private property for more than seventy-two 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 hours or longer without notification to the Chief of Police of the reason for leaving the motor vehicle in such place.
- (b) The Chief of Police may order removed and placed into storage any junk motor vehicle that has not been removed or has remained uncovered for more than ten days subsequent to receipt of notice as provided in Section Three hereof.

- (c) The Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.
- (d) Upon removal and storage pursuant to this Section, the Chief of Police shall comply with the procedures for identification of owner and/or lienholder, notification, claim and disposal set forth in § 4513.61 of the Ohio Revised Code.
- (e) Any abandoned junk motor vehicle or junk motor vehicle that has been stored by the Chief of Police in accordance with this Section and has not been reclaimed within ten days of mailing of the notice required by § 4513.61 of the Ohio Revised Code, shall be disposed of in accordance with the procedures set forth in § 4513.62 of the Ohio Revised Code.

Section Five: Penalties

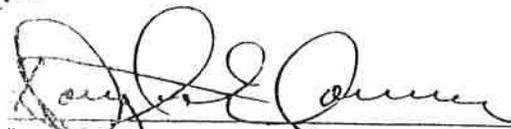
- (a) Whoever violates Section Two(a) of this Ordinance is guilty of a fourth degree misdemeanor, and shall be subject to a maximum of thirty (30) days in jail and a maximum fine of two hundred fifty dollars (\$250.00), and shall also be assessed any costs incurred by the Village of Crooksville in storing and/or disposing of such abandoned junk motor vehicle, less any money accruing to the Village from any such disposal.
- (b) Whoever violates Section Three(b) of this Ordinance is guilty of a minor misdemeanor on a first offense and shall be subject to a maximum fine of one hundred dollars (\$100.00); on a second offense, such person is guilty of a misdemeanor of the fourth degree and shall be subject to a maximum of thirty (30) days in jail and a maximum fine of two hundred fifty dollars (\$250.00); on each subsequent offense, such person is guilty of a misdemeanor of the third degree and shall be subject to a maximum of sixty (60) days in jail and a maximum fine of five hundred dollars (\$500.00); plus said person shall also be assessed any costs incurred by the Village of Crooksville in storing and/or disposing of such junk motor vehicle, less any money accruing to the Village from any such disposal.

Section Six: Effective Date

This ordinance shall take effect at the earliest date allowed by law.

1st Reading: 2-4-02
2nd Reading: 2-18-02
3rd Reading: 3-4-02

Passed: March 4, 2002

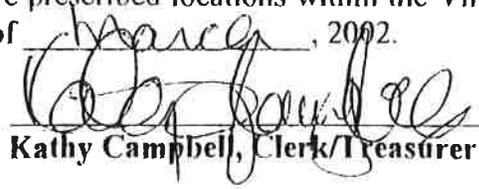

Douglas E. Cannon, Mayor

ATTESTED:


Kathy Campbell, Clerk/Treasurer

Posting Certification

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 5th day of March, 2002.


Kathy Campbell, Clerk/Treasurer