

VILLAGE OF OTTOVILLE, OHIO

ORDINANCE NO. 2015-02

ORDINANCE TO CONTROL JUNK AND/OR INOPERABLE VEHICLES.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTOVILLE, STATE OF OHIO, a majority of its members elected thereto concurring.

SECTION 1: DEFINITIONS.

(a) As used in this chapter:

(1) "Motor vehicle" means any self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle. The term includes without limitation, automobile, truck, bus, recreational vehicle and motorcycle. The term also includes trailers, which by their nature require a motor vehicle for their mobility.

(2) "Unlicensed motor vehicle" means any motor vehicle not displaying a current, valid license plate, including any validation sticker, other than a motor vehicle exempt under Chapter 4503 of the Ohio Revised Code.

(3) "Major repair" means any repair, which requires the engine drive train, transmission assembly, exhaust system or similar parts to be removed from the vehicle, and/or requires the removal of any internal parts which cannot be completed in 24 hours.

(4) "Bodywork" means any activity involving the use of a power-operated tool or machine, application of paint and epoxy or other similar application which requires the use of an air compressor, to effect modifications to the exterior or interior of a vehicle.

(5) "Junk vehicle" means any vehicle not capable of legal operation at the time of the notice or citation on public streets or waterways in accordance with applicable ordinances and laws. The fact that a vehicle is not equipped with license plates as required by State Law shall mean that it is not capable of such legal operation on public streets or waterways. Further, a junk vehicle is also defined as one that is partially dismantled, wrecked or deteriorating to such an extent that its continued presence would create a negative impact on property value and/or create a blighting influence on the neighborhood. This definition includes U- haul type trailers, whether or not they are still on their wheels, and which may or may not be used as storage.

(6) "Inoperable motor vehicle" shall mean any motor vehicle missing wheels, tires, windshield, motor or transmission, or which has been so damaged as to appear not safely operable. Any vehicle that remains parked or near the same location for more than thirty consecutive days shall be presumed to be inoperable.

SECTION II: PROHIBITIONS.

(a) No person, firm or corporation shall store, maintain or park outdoors or permit the storage, maintenance or collection of any inoperable, unregistered or junk motor vehicles on his or her premises or property, or any premises or property under his or her control, or in any other place within the Village of Ottoville, unless the vehicle is within a building so as not to be visible from the streets or neighboring properties and the vehicle is titled to the owner or residents of the

premises or property. A junk vehicle being held at a properly zoned business may be exempt for the provisions of this section.

(b) No person, firm or corporation shall park, store, keep or have outdoors on any premises or property any motor vehicle in a state of major disrepair, or in the process of being stripped or dismantled, unless the vehicle is within a building so as not to be visible from the streets or neighboring properties and the vehicle is titled to the owner or resident of the premises or property. A junk vehicle being held at a properly zoned business may be exempt for the provisions of this section.

(c) No person, firm or corporation shall perform major repair or body work on any motor vehicle unless the vehicle is within a building so as not to be visible from the street or neighboring properties and the vehicle is titled to the owner or resident of the premises or property. A junk vehicle being held at a properly zoned business may be exempt for the provisions of this section.

(d) No work on a motor vehicle shall be performed between the hours of 11:00 p.m. and 7:00 a.m. and as required by all other laws. Further no sounds shall be louder than can be heard and/or felt fifty feet away.

(e) Any person violating any provision of this section shall, within ten (10) working days after receiving notification of such violation by a person acting on behalf of the Village of Ottoville, remove or cause to be removed any junk vehicle or have the same placed in a building so as not to be visible from the street or neighboring properties. Extensions may be granted by the Chief of Police for good cause shown.

SECTION III: PROCEDURE.

(a) Notification shall be by certified or registered letter or by personal service to the owner of the real property upon which the violation occurs at the then current tax mailing address of the owner. Personal service shall be considered valid and received by the owner if served upon an adult human being at said real property. If such service is refused or undeliverable, notification may be made by posting in a prominent place on said property.

(b) Upon failure of any owner, lessee, agent or tenant having charge of the lots and lands referred to in subsection (a) hereof to comply with the notice of removal within the period of time stipulated, the Chief of Police shall cause such nuisance vehicle and/or parts thereof to be removed immediately on behalf of the municipality. The Chief of Police shall order the same vehicle to be photographed by a law enforcement officer in the place where the violation(s) occurred. The law enforcement officer shall record the make of motor vehicle, the serial number when available, and shall also detail the violation. The Chief of Police or representative shall notify immediately as per subsection (a) that the Village of Ottoville has removed the vehicle and that the owner of the vehicle may claim the vehicle within 30 days if payment of the tow and impound fees are received. Furthermore, the Village of Ottoville is not responsible for the nuisance vehicle. Such law enforcement officer shall execute an affidavit that describes the motor vehicle and that he and/or the Village's representative has complied with all requirements of this section. The law enforcement officer shall sign and file the said affidavit with the Clerk of Courts of the Putnam County Municipal Court.

SECTION IV: PENALTY.

(a) Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor on a first offense; if the offender has been previously convicted of violating this chapter, the offender shall be guilty of a misdemeanor of the fourth degree; if the offender has been twice previously convicted of violating this chapter, the offender shall be guilty of a misdemeanor of the first degree.

(b) Upon a finding of guilt, the Court may order the owner of any vehicles that have been impounded or that are stored or parked in violation of this chapter to remove all such vehicles to a place where they may be lawfully stored or parked, or the Court may order all such vehicles to be disposed of. Any and all costs incurred by the Village impounding or towing vehicles in accordance with this subsection shall be the responsibility of the owner. The Court shall, to the extent permitted by law, order these costs paid as restitution. Further, the Village may seek to recover such costs through a civil action.

Date Passed: July 27, 2015

ATTEST:

Jeannine Wammacher
Fiscal Officer, Village of Ottoville

APPROVED:

Ronald N Miller
Mayor, Village of Ottoville