

## Ordinance 12-2017

### **An Ordinance declaring certain junk vehicles within the Village of Malvern, Carroll County, Ohio, to be a public nuisance subject to penalty and abatement by removal.**

Whereas, the Village desires to regulate and in some instances prohibit the storing and parking of junk vehicles and junk motor vehicles on private or public property to protect neighboring property values and preserve the health, safety, and welfare of the Village;

Whereas, by this Ordinance, Council for the Village finds and declares that such vehicles constitute a public nuisance subject to penalty and abatement per this Ordinance;

Section 1: As found in Ordinance 6-2000, Council reaffirms and declares that one or more junk vehicles or junk motor vehicles left on private or public property, as defined in this Ordinance, within the Village constitutes a public nuisance, subjecting the responsible person(s) to penalty and abatement as set forth in this Ordinance.

Section 2: Definitions. For purposes of this Ordinance (any term not defined in this Ordinance shall have the meaning set forth in Ohio R.C. 4501.01):

(a) "Junk vehicle" and means any vehicle that is (a) three (3) years old, or older; (b) extensively damaged, such damage including but not limited to, missing wheels or tires; (c) apparently inoperable; and (d) has a fair market value of \$1,500 or less, which vehicle is left uncovered in the open on private property for more than 72 hours with or without the permission of the person having the right to the possession of such property, except as excluded under Ohio R.C. 4513.65(A), or parked on public property including but not limited to any public right-of-way.

(b) "Junk motor vehicle" means any motor vehicle that is (a) three (3) years old, or older; (b) extensively damaged, such damage including but not limited to, missing wheels or tires; (c) apparently inoperable; and (d) has a fair market value of \$1,500 or less, which vehicle is left uncovered in the open on private property for more than 72 hours with or without the permission of the person having the right to the possession of such property unless the vehicle is a collector's vehicle, or parked on public property including but not limited to any public right-of-way.

(c) "Vehicle" means everything on wheels or runners, including motorized bicycles, campers, and trailers, except as set forth in Ohio R.C. 4501.01(A).

(d) "Motor vehicle" means any vehicle including mobile homes and recreational vehicles that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except as set forth in Ohio R.C. 4501.01(B).

(e) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of \$100 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.

## **Junk Vehicle or Junk Motor Vehicle on Private Property**

Section 3: The Village Administrator shall send a notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk vehicle or a junk motor vehicle is left within the Village and, if different, to the owner of such property that within calendar 10 days of receipt of the notice the vehicle either (a) shall be covered by being housed in a garage or other suitable structure, or (b) shall be removed from the property.

Section 4: No person shall willfully leave a junk vehicle or junk motor vehicle uncovered in the open for more than calendar 10 days after receipt of a notice as provided in this Ordinance. The fact that a junk vehicle or junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that a junk vehicle or junk motor vehicle continues to be so left constitutes a separate offense, as provided in Ohio R.C. 4513.65. Whoever violates this section is guilty of a minor misdemeanor.

Section 5: In addition, if the responsible person(s) does not comply with such notice and cover or remove the vehicle(s), the Village Administrator shall present the matter to Council who, by resolution, may cause (a) the removal or employ the labor and equipment to cause the removal of the vehicle and all costs incurred in removing the vehicle, as approved by Council, shall be initially paid out of the General Fund (from money not otherwise appropriated), or (b) the filing of a court action to cause the removal of the vehicle by the responsible person(s) at their costs. If the Village initially pays the costs incurred in removing the vehicle, Council may use any lawful means to collect such costs including but not limited to (a) filing a court action to collect the costs, (b) certifying the costs to the County auditor to be placed on the tax duplicate as a lien against the property to be collected as other taxes and returned to the Village, or (c) as provided in Ohio R.C. 4513.63 to 4513.65.

Section 6: Before removing a junk vehicle or junk motor vehicle under this Ordinance, the Village Administrator shall photograph the vehicle, record the make, the serial number (when available), and shall also detail the damage or missing equipment to substantiate the value of \$1,500 or less. If the Village is causing the removal of the vehicle, it should be disposed of to a motor vehicle salvage dealer as defined in Ohio R.C. 4738.01 or a scrap metal processing facility as defined in Ohio R.C. 4737.05, under contract with the Village.

Section 7: This Ordinance does not prevent a person from storing or keeping, or restrict a person 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 within the Village; except that the Village Administrator 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.

## **Abandoned Junk Motor Vehicle**

Section 8: No person shall willfully leave an abandoned junk motor vehicle (a) on private property within the Village for more than 72 hours without the permission of the person having the right to the possession of the property, or (b) no person shall willfully leave an abandoned junk motor vehicle on property open to the public for purposes of vehicular travel or parking maintained by the Village or on or within the right-of-way of any Village street for 48 hours or longer without notification to the Village Administrator of the reasons for leaving the motor vehicle in such place. For purposes of this Ordinance, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence

of abandonment. Whoever violates any section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Village in disposing of any abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the Village from this disposal of the vehicle.

Section 9: The removal of an abandoned junk motor vehicle shall be in accordance with Ohio R.C. 4513.63 to 4513.65.

Section 10: The inconsistent provisions within Ordinance 6-2000 are hereby repealed and replaced with this Ordinance.

Section 11: All formal actions of Council relating to the adoption of this Ordinance, and all deliberations of Council and any of its committees leading to such action, were in meetings open to the public as required by law.

Passed this 19<sup>th</sup> day of June, 20 17.

Robert DeLong  
Robert DeLong, Mayor

Barb Burgess  
Barb Burgess, Presiding Officer

Ashley Ring  
Ashley Ring, Fiscal Officer

Prepared and approved as to form by: Chad Murdock  
Chad Murdock, Village Solicitor

