

ORINANCE NO. 9-86

AN ORDINANCE AMENDING SECTION 660.07 OF PART 6, THE
GENERAL OFFENSES CODE, OF THE OFFICIAL CODE OF ORDINANCES
OF THE VILLAGE OF SPENCER, OHIO AND DECLARING AN EMERGENCY

BE IT ORDAINED, by the Council of the Village of Spencer, Ohio,
three-fourths of its members herein concurring, as follows:

1. Section 660.07 is hereby amended to read as follows:

"660.07 PROHIBITION AGAINST STORAGE OF JUNK
VEHICLES, VEHICLE PARTS, JUNK OR DEBRIS

(a) As used in this Section, "junk vechicle" means any motor vehicle or other vehicle which is apparently inoperable or is unlicensed for the current year or is extensively damaged or which has missing parts which may include but is not limited to missing wheels, tires, motor, transmission, bumpers, fenders, windows, steering wheel, seats, or lights. "Vehicle parts" shall mean any part or component of a motor vehicle or other vehicle. "Junk" shall mean old or discarded metal, glass, paper, plastic or other waste. "Debris" shall mean the remains of something broken down or destroyed or an accumulation of waste or discarded articles. The definitions of this section shall not apply to a person operating a junk yard or scrap metal processing facility licensed under the authority of Ohio Revised Code 4737.05 to 4737.10 or otherwise regulated under authority of this municipality; or to property which is not subject to licensure or regulation of Spencer Village or where the defined items are part of a bonafide commercial business operation in compliance with the Spencer Village Zoning Ordinance.

(b) No person shall leave or permit to be left uncovered in the open on private or public property for more than 72 hours any such junk vehicle, vehicle part, junk or debris. The term "uncovered in the open" means not being housed in a garage or other suitable building so that the

junk vehicle, vehicle part, junk or debris is not visible from the neighboring properties or a public street. A tarpaulin or plastic cover or other similar covering or enclosure by a fence of any kind will not suffice to meet the prohibition against being left uncovered in the open for more than 72 hours.

(c) A member of the Spencer Village Police Department shall send notice of a junk vehicle, vehicle part, junk or debris left or permitted to be left uncovered in the open upon private or public property for more than 72 hours contrary to sub-section (b) above, by certified mail with return receipt requested or by personal service to or upon the person occupying or having control of the real property upon which defined prohibited article or articles are left, or upon the person owning or having the right of possession of such defined prohibited article or articles or both, that such defined prohibited article or articles shall be forthwith removed from the real property or forthwith be stored in a garage or other suitable building so that the defined prohibited article or articles shall not be visible from neighboring properties or a public street.

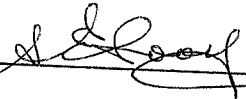
(d) No person shall willfully lease or permit to be left, a junk vehicle, vehicle parts, junk or debris in the open upon private or public property for more than ten (10) days after receipt of notice as provided in sub-section (c) above. This prohibition may apply to the owner or the occupant, or both, of the real property upon which such defined prohibited article or articles are left and shall also apply concurrently to any person who is the owner of or has the right of possession, or both, of such defined prohibited article or articles. The fact that a defined prohibited article or articles are left contrary to the prohibition of this sub-section (d) shall be prima-facie evidence of willfull failure to comply with said notice, and each subsequent period of thirty (30) days that a defined prohibited article or articles continue to be so left constitutes a separate and additional offense under this sub-section (d).

(e) Whoever violates sub-section 660.07 (d) is guilty of a minor misdemeanor on the first offense; on a second offense such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense such person is

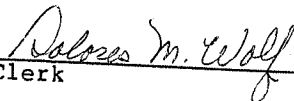
guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 698.02 of this Code."

2. This Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, safety and welfare of the Village of Spencer, Ohio and for the particular reason that to adequately control a continuing problem of storage of junk vehicles, vehicle parts, junk or debris it is immediately necessary to institute this code amendment and that this Ordinance shall be in full force and effect from and after its passage.

September
PASSED: ~~June~~ 24, 1986


Mayor

ATTEST:


Clerk