

ORDINANCE NO. 4-95

AN ORDINANCE CONCERNING STORAGE AND PLACING OF WRECKED OR INOPERATIVE MOTOR VEHICLES AND TRAILERS

BE IT ORDAINED by the Council of the Village of Spencer, Ohio, three-fourths (3/4) of its members concurring herein, as follows:

A. For purposes of this Ordinance, "Wrecked or Inoperative Motor Vehicle" means a motor-driven vehicle or vehicle parts of any nature that cannot, under their own power, be operated or driven, physically or lawfully, upon the public roads, streets and highways.

For purposes of this Ordinance, "Motor Vehicle" means every vehicle or parts of a vehicle propelled or drawn by power other than muscular power, except motorized bicycles, trailers, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, threshing machinery, hay-baling machinery, agricultural tractors, machinery used in the production of horticultural, floricultural, agricultural or vegetable products.

For purposes of this Ordinance, "Trailer" means every vehicle, except for boat trailers and properly licensed travel trailers, designed or used for carrying persons or property wholly on its own structure and for being drawn by a

motor vehicle, including any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly.

B. No person, firm, partnership, corporation, or association shall store or place, or cause or permit to be stored or placed, a wrecked or inoperative motor vehicle on any property within the corporate limits of the Village of Spencer, which has been in a wrecked or inoperative condition for a period of ten (10) consecutive days or more, unless one of the following conditions exists:

1. Said wrecked or inoperative motor vehicle is stored, placed, or housed in a structure or building;
2. Said wrecked or inoperative motor vehicle is stored or placed on property used and operated by the Village of Spencer for said purposes;
3. Said wrecked or inoperative motor vehicle is located on the premises of a junk yard as defined in Ohio Revised Code §4737.05, which is operated in compliance with applicable zoning requirements and is in compliance with all other applicable Village ordinances and state law;
4. Said wrecked or inoperative motor vehicle is stored or placed on property lawfully zoned and used for the purposes of performing the specific automotive repair service needed to restore the wrecked or inoperative motor vehicle to such

state as would permit its lawful and physical operation, under its own power, upon the public roads, streets and highways, and where such placement or storage of said motor vehicle does not exceed fourteen (14) consecutive days.

C. No person, firm, partnership, corporation, or association shall store or place, or cause or permit to be stored or placed, a trailer on any property within any residential or business zoning districts within the corporate limits of the Village of Spencer for a period of ten (10) consecutive days or more unless said trailer is stored or placed in a structure or building.

D. In the event of a violation of this section by a corporation, the violation shall be deemed to have been committed by the president thereof, upon written notification of said violation and failure to comply with the provisions hereof within three (3) days from the date of said notification.

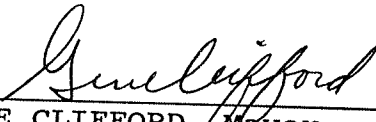
E. Any provision or ordinance of the Village of Spencer in conflict with this Ordinance is hereby repealed.

F. Whoever violates this section is guilty of a minor misdemeanor for a first offense; for a second or subsequent offense within one (1) year of the first offense said person is guilty of a misdemeanor of the first degree for each such offense.

G. 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 it is immediately necessary to adequately control a continuing problem involving storage of wrecked or inoperative vehicles, vehicle parts, or trailers; this Ordinance shall be in full force and effect from and after its passage.

PASSED: ⁴⁻¹¹ March 21, 1995



GENE CLIFFORD, Mayor

ATTEST:



ROBIN M. COLEMAN, Clerk