

VILLAGE OF WAYNE LAKES, OHIO

ORDINANCE NO. 2021-05-10-02

AN ORDINANCE RESTRICTING UNLICENSED AND JUNK MOTOR VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER; NOTICE OF REMOVAL AND IMPOUNDING IN THE VILLAGE OF WAYNE LAKES

WHEREAS the accumulation and storage of unlicensed, abandoned, wrecked, junked, partially dismantled or inoperable motor vehicles, on private property, which motor vehicles are in the nature of rubbish or unsightly debris, violates and constitutes a nuisance; and

WHEREAS that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to minors as well as adults, interfere with the comfort and wellbeing of the public and create, extend and aggravate urban blight, and that the public health, safety and general welfare require that such conditions be regulated, abated, and prohibited.

NOW, THEREFORE BE IT ORDAINED by the council of the Village of WAYNE LAKES, a majority of the members elected or appointed thereto concurring:

SECTION ONE: Storage on Private Property.

- a. No person shall park, store or leave, or permit the parking or storing of any unlicensed motor vehicle or any vehicle in a wrecked, junked, partially dismantled, inoperable or abandoned condition, whether attended or not, for a period of thirty (30) calendar days upon any private property within the Village, unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of the business enterprise, or it is a collector's vehicle, pursuant to Ohio R.C, 4501.01.
- b. For the purposes of this section, a motor vehicle shall be deemed to be in wrecked or junk condition if any of the following apply:
 1. The vehicle is extremely damaged, including but not limited to any of the following: Missing tires, wheels, motors or transmissions, or
 2. The vehicle is apparently inoperable, or
 3. The vehicle is unlicensed, or
 4. The vehicle is deemed to be detrimental to the aesthetics of the neighborhood.

SECTION TWO: Removal Required.

The accumulation and storage of one or more such motor vehicles in violation of the provisions of Section One shall constitute rubbish and unsightly debris, and shall constitute a nuisance detrimental to the health, safety and general welfare of the inhabitants of the Village. It shall be the duty of the owner of such vehicle, and it shall be the duty of the person in charge or control of the private property upon which such motor vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street.

SECTION THREE: Notice to Remove.

Whenever there are reasonable grounds to believe that a violation of the provisions of Section One exists, the Darke County Sheriff or Mayor, shall deliver or cause to be delivered, a written notice to the registered owner of any motor vehicle which is in violation, or to the owner or person in lawful possession or control of the private property upon which such motor vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street. The notice shall require the motor vehicle to be removed within thirty (30) days of the delivery of the notice. The notice shall be deemed delivered by personally handing the notice to the appropriate owner, or person or by attaching the notice to the motor vehicle.

SECTION FOUR: Removal by Village.

If the registered owner of any motor vehicle which is in violation of Section One, or the owner or person in lawful possession or control of the private property upon which the same is located, fails, neglects, or refuses to remove or house such abandoned, wrecked, junked, partially dismantled or inoperable motor vehicle in accordance with the notice given pursuant to the provisions of this section, the Darke County Sheriff or Mayor may remove and dispose of such motor vehicle.

SECTION FIVE: Right of Entry.

The Darke County Sheriff or Mayor, and any agent appointed by the Sheriff or Mayor, and employee of such appointed agent, and authorized officer are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this Ordinance. No person shall interfere, hinder, or refuse to allow them to enter upon private property for such purposes and to remove any motor vehicle in accordance with the provisions this Ordinance. Any person to whom notice was given shall have the right to remove or house such motor vehicle in accordance with such notice at his own expense at any time prior to the arrival of the Darke County Sheriff or Mayor, for the purpose of removal.

SECTION SIX:

Whoever violates any section of the Ordinance is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate violation.

Passed this _____ day of _____, 2021

Acting Mayor
President Pro Tempore

Fiscal Officer

APPROVED AS TO FORM:

Paul E. Wagner, Village Solicitor