

RECORD OF ORDINANCES

Ordinance No. 2009-15

Passed July 8, 2009

AN ORDINANCE TO REGULATE INOPERABLE, DISABLED, ABANDONED, UNLICENSED, SCRAPPED, AND/OR JUNK MOTOR VEHICLES AND PARTS THEREOF, AND DECLARING AN EMERGENCY

WHEREAS, it is deemed by the Council of the Village of Thurston, State of Ohio, that it is in the best interest of the Village of Thurston to regulate inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicles, and parts thereof.

WHEREAS, it is necessary to pass an Ordinance to authorize the approval of behalf of the Village of Thurston, State of Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THURSTON, OHIO THAT:

Section 1: No person, legal entity, corporation, or non-profit/not-for-profit organization shall cause or permit to be allowed any inoperable, disabled, abandoned, unlicensed, and/or scrapped motor vehicle and/or "junk motor vehicle" as defined by Ohio Revised Code 4513.63(B) to (E), or any parts thereof to be kept or stored upon any lot or land designated within the boundaries of the Village of Thurston, regardless of land use classification or business conducted, for a period of more than seventy-two hours if such vehicle is subject to the public view and/or access. Any such inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle shall be removed from the public view and/or access within seventy-two hours from the date of placement or replacement thereon.

The Mayor, Village Administrator, or his or her designee may send Notice by certified mail, return receipt requested, to the person having the right to the possession of the property on which an inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle is kept or stored, that within ten days of receipt of the Notice, the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle shall either be covered by being housed in a garage or other suitable structure or shall be removed from the property.

For purposes of this Section, the fact the vehicle is so left is prima-facie evidence of a willful failure to comply with the Notice. Each inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle so left constitutes a separate offense. Each subsequent period of ten days that an inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle continues to be so left constitutes a separate offense. If the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle is so left after three (3) consecutive ten day periods, the Village of Thurston shall remove said vehicle at the owner's expense.

Section 2: No person, legal entity, corporation, or non-profit/not-for-profit organization shall cause or permit to be allowed any inoperable, disabled, abandoned, unlicensed, and/or scrapped motor vehicle and/or "junk motor vehicle" as defined by Ohio Revised Code 4513.63(B) to (E), or any parts thereof to be kept or stored upon on a public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway.

The Mayor, Village Administrator, or his or her designee may send Notice by certified mail, return receipt requested, to the person having the right to and ownership of the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle, that within ten days of receipt of the Notice, the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle shall removed from the public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

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Section 3: Whoever violates this Ordinance shall be fined not more than \$50.00 per vehicle for the first offense and not more than \$100 per vehicle for each subsequent separate offense.

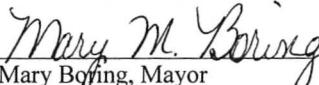
Section 4: Each Section and part of a Section of this Ordinance is hereby declared to be an independent Section or part of a Section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such Section or part of a Section, or any other provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining Sections or parts of Sections and the application of such provisions to any other persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been adopted independently of such Section or parts of a Section so held to be invalid.

Section 5: All prior Ordinances, or any parts thereof, including Ordinance 83-25, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 6: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Thurston which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 7: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that Village Council needs to, without due delay, correct a situation now deemed undesirable. Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

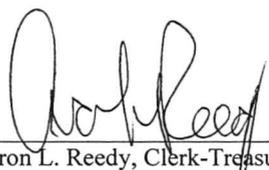
First Reading: Waived
Second Reading: Waived
Third Reading: Waived


Mary Boeing, Mayor

DATE OF PASSAGE: 7-8-2009

EFFECTIVE DATE: 7-8-2009

ATTEST:


Aaron L. Reedy, Clerk-Treasurer

4513.63 Photograph and record of information as to abandoned junk vehicles.

"Abandoned junk motor vehicle" means any motor vehicle meeting all of the following requirements:

(A) Left on private property for forty-eight hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer;

(B) Three years old, or older;

(C) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;

(D) Apparently inoperable;

(E) Having a fair market value of one thousand five hundred dollars or less.

The sheriff of a county or chief of police of a municipal corporation, township, or township police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action, shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of one thousand five hundred dollars or less. The sheriff or chief of police shall thereupon immediately dispose of the abandoned junk motor vehicle to a motor vehicle salvage dealer as defined in section 4738.01 of the Revised Code or a scrap metal processing facility as defined in section 4737.05 of the Revised Code which is under contract to the county, township, or municipal corporation, or to any other facility owned by or under contract with the county, township, or municipal corporation for the destruction of such motor vehicles. The records and photograph relating to the abandoned junk motor vehicle shall be retained by the law enforcement agency ordering the disposition of such vehicle for a period of at least two years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with, and, within thirty days of disposing of the vehicle, shall sign and file the affidavit with the clerk of courts of the county in which the motor vehicle was abandoned. The clerk of courts shall retain the original of the affidavit for the clerk's files, shall furnish one copy thereof to the registrar, one copy to the motor vehicle salvage dealer or other facility handling the disposal of the vehicle, and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photograph relating to the disposal. Any moneys arising from the disposal of an abandoned junk motor vehicle shall be deposited in the general fund of the county, township, or the municipal corporation, as the case may be.

Notwithstanding section 4513.61 of the Revised Code, any motor vehicle meeting the requirements of divisions (C), (D), and (E) of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in section 4513.61 of the Revised Code may be disposed of as provided in this section.

Effective Date: 10-21-1997; 09-16-2004