

CHAPTER 357
Junk Vehicles

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CROSS REFERENCES
Junk vehicles - see Ohio R.C. 4513.60 et seq.

357.01 DEFINITION; NOTICE TO COVER.

(a) For purposes of this section, "junk motor vehicle" means any motor vehicle meeting the requirements of Section 357.04(b) to (e), that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junkyard or scrap metal processing facility licensed under authority of Chapter 739 of the Codified Ordinances; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(b) The Chief of Police, or the Director of Development or their authorized representatives may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

(c) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

(Ord. 98-1974. Passed 12-9-74.)

357.02 TOWING OF JUNK VEHICLES FROM PRIVATE PROPERTY.

(a) The Chief of Police, within his territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 357.04, which has been left on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property. The Chief, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle other than an abandoned junk motor vehicle which has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Chief.

(b) The owner of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidence by a certificate of title to the motor vehicle. If the motor vehicle remains unclaimed by the owner for thirty days, the procedures established by Sections 357.03 and 357.05 shall apply.
(Ord. 98-1974. Passed 12-9-74.)

357.03 TOWING OF JUNK VEHICLES FROM PUBLIC ROADWAYS.

(a) The Chief of Police, within his territorial jurisdiction, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 357.04, which has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the Chief of the reasons for leaving the motor vehicle in such place. The Chief shall designate the place of storage of any motor vehicle ordered removed by him.

(b) The Chief shall immediately cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Chief, and, if known, shall send notice to the owner or lienholder at his last known address by certified mail with return receipt requested, that the motor vehicle shall be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage and presentation of proof of ownership which may be evidence by a certificate of title to the motor vehicle.

(c) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in Section 357.05, the Chief shall file with the Clerk of Courts of the County in which the place of storage is located an affidavit showing compliance with the requirements of this section. If the vehicle is to be disposed of to a junkyard or other facility as provided in Section 357.05, the Chief shall execute in triplicate 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. The Chief shall retain the original of the affidavit for his records, and shall furnish two copies to the owner of the junkyard or other facility.

(d) As provided in Ohio R.C. 4513.62, upon presentation of a copy of the affidavit by the owner of the junkyard or other facility, the Clerk of Courts shall issue to such owner a certificate of title, free and clear of all liens and encumbrances.

(e) Also under Ohio R.C. 4513.62, whenever the owner of a junkyard or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, such owner shall not be required to obtain an Ohio certificate of title to the motor vehicle in his own name if, within ten days of the receipt of the affidavit, the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.
(Ord. 98-1974. Passed 12-9-74.)

357.04 ABANDONED JUNK MOTOR VEHICLES.

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

- (a) Left on private property for more than seventy-two hours 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: a broken window or windshield, missing wheels, tires, motor or transmission;
- (d) Apparently inoperable;
- (e) Having a fair market value of fifteen hundred dollars (\$1500.00) or less.

The Chief of Police, within his territorial jurisdiction, 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 provided in (e) hereof. The Chief shall thereupon immediately dispose of the abandoned junk motor vehicle to a junkyard or scrap metal processing facility as defined in Chapter 739 of the Codified Ordinances, or to any other facility owned by or under contract with the City for disposal 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 shall sign and file the same 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 his files, shall furnish one copy thereof the registrar, one copy to the junkyard 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.
(Ord. 95-31. Passed 1-31-95.)

Notwithstanding Section 357.03, any motor vehicle meeting the requirements of subsections (c), (d) and (e) hereof which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in Section 357.03 may be disposed of as provided in this section.
(Ord. 98-1974. Passed 12-9-74.)

357.05 DISPOSAL OF UNCLAIMED VEHICLES.

Unclaimed motor vehicles ordered into storage pursuant to Sections 357.02 and 357.03 shall be disposed of at the order of the Chief of Police to a junkyard or scrap metal processing facility or to any other facility owned or under contract with the City for the disposal of such motor vehicles, or shall be sold by the Chief, or licensed auctioneer at public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the County. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the General Fund.
(Ord. 98-1974. Passed 12-9-74.)

357.06 WILLFULLY ABANDONED JUNK MOTOR VEHICLES PROHIBITED.

No person shall willfully leave an abandoned junk motor vehicle as defined in Section 357.04 on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property, or 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 without notification to the Sheriff of the County or the Chief of Police of the reasons for leaving the motor vehicle in such place.

For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.
(Ord. 98-1974. Passed 12-9-74.)

357.07 ABANDONED, WRECKED, NONOPERATING OR DISCARDED VEHICLES.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

- (1) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (2) "Vehicle" means any contrivance propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.
- (3) "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of travel.

(b) Abandonment of Vehicles. No person shall abandon any vehicle within the City and no person shall leave any vehicle any place within the City for a period exceeding forty-eight hours.

(c) Storage Prohibited; Exceptions. No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked or junked vehicle with a fair market value exceeding the value provided in Section 357.04 to remain on such property longer than forty-eight hours, and no person shall leave any such vehicle on any property within the City for a longer time than forty-eight hours. However, this section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City. (Ord. 95-31. Passed 1-31-95.)

(d) Impounding. The City Manager or his authorized designee is hereby authorized to remove or cause to be removed any vehicle at or upon any place or property within the City which appears to be in violation of this section, or is lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with City ordinances.

357.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree, and shall also be assessed any costs incurred by the County or City in disposing of an abandoned junk motor vehicle, less any money accruing to the County or to the City from such disposal.