

**The Village of LaRue
County of Marion
State of Ohio**

AN ORDINANCE PROHIBITING THE PARKING OR STORAGE OF JUNK MOTOR VEHICLES OUTSIDE OF A BUILDING WHETHER ON VILLAGE STREETS OR ON PRIVATE PROPERTY

WHEREAS; There have been numerous complaints concerning the storing of motor vehicles in varying states of disrepair, many of which are incapable of operating under their own power, outside of buildings in said village and which do not display a current and valid Ohio license plate registered to said vehicle;

That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the Village of La Rue, Ohio and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said Village; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor provided it received the required three readings and the affirmative vote of a majority of the members elected to council or otherwise at the earliest period allowed by law.

STORAGE OF JUNK VEHICLES.

(A) 1. As used in this section **JUNK MOTOR VEHICLES** means any motor vehicle meeting any three of the following criteria:

- (1) Five years old or older,
- (2) Partially dismantled,
- (3) Inoperable,
- (4) Fair market value of less than fifteen hundred dollars (\$1,500.00),
- (5) Unlicensed, improperly licensed or not displaying a valid license plate.

(A) 2. "Partially dismantled" means, but is not limited to, the following:

- (1) Missing engine,
- (2) Missing Battery,
- (3) Missing transmission,
- (4) Missing door, fenders or hood,
- (5) Missing wheels or on blocks,
- (6) Missing tires or deflated tires,
- (7) Missing or broken windshield or windows.

(A) 3. "Inoperable" means any motor vehicle incapable of being propelled under its own power. Any motor vehicle that has not been moved for fourteen consecutive days shall be presumed to be inoperable.

(A) 4. "Collector's vehicle" means any motor vehicle of special interest having a fair market value of five hundred dollars (\$500.00) or more, whether operable or not that is owned, operated, collected, preserved, restored, maintained, or used by essentially as a collector's item, leisure pursuit or investment, but not the owner's principal means of transportation.

(B)(1) No person in charge or control of any private or commercial property within the City, whether as an owner or tenant, occupant, lessee or otherwise, or the registered owner of the motor vehicle, shall allow a junk motor vehicle to remain on such property longer than ten (10) days after receipt of written notice to remove the junk motor vehicle from such premises. The fact that a junk motor vehicle is so left is a 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. (ORC § 4513.65) The written notice shall be issued to the property owner and the owner of such vehicle by an officer of the Police Department or a designee of the Safety/Service Director by either personal, certified mail return receipt requested, publication or posting consistent herewith. In the event no return is received within twenty days (20) of certified mailing or is received back and indicates unclaimed, moved or undeliverable and personal service has not been made after diligent attempts, notice may be provided by either of the following methods: By publication once in a daily newspaper for general circulation within the City; By posting the notice upon the real property upon which the vehicle is located and upon the vehicle itself, either of which methods of service shall be sufficient. Such junk motor vehicle shall be removed within ten (10) days after service or the last date of publication which ever is applicable. Such notice shall contain:

- (1) The name of the property owner and the address at which the junk motor vehicle is located,
- (2) The make and model of the vehicle,
- (3) The license plate number, if any,
- (4) A description of the condition of said vehicle,
- (5) A statement to the effect that the person in charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally responsible for the removal of the subject junk motor vehicle,

Except as follows in subsections (B)(2) herein, parking, storage, maintenance or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.

(B) (2) No person shall be prevented from storing or keeping any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person shall be required to conceal, by means of buildings, fences, vegetation, terrain so that same is completely concealed from public view. Nor shall a person having a right to operate a junk yard or scrap metal processing facility licensed under authority of R.C. § 4737.05 through 4737.12 shall be subject to section (B) (1) above so long as his/her use is part of a bona fide commercial operation. Nor shall a person be prevented from storing a junk motor vehicle in a fully enclosed building where same is permitted under the Zoning Code.

(B) (3) The movement of a vehicle in violation of this section to any other location within the City limits that does not abate the violation under this section shall not, constitute compliance with this section. Nothing in this section shall impede the City's right to remove inoperable motor vehicles from private or commercial property in accordance with any other section of Law.

(B) (4) Any person who has received notice to remove a junk vehicle may appeal to the Safety/Service Director. An appeal must be filed in writing at the Office of the Safety/Service Director within five days after receipt of notice or date of publication, excluding Saturdays, Sundays and holidays. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as charged or in violation of any other section herein. At such appeal before the Safety/Service Director, the City and the person(s) requesting such appeal may introduce such witnesses and evidence as each party deems necessary. (Ord. 1998-15, passed 2-9-1998)

(C) (1) As used in this subsection:

“Junk” means old or scrap copper, brass, rope, rags, trash, waste, inoperable cars, car parts, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in section 3734.01 of the Revised Code.

“Junk Yard” means an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk.

“Fence” means a barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon state, county, municipal, and township highways, roads, and streets.

“Scrap Metal Processing Facility” means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale and remelting purposes or any by-product or waste related thereto.

“Vehicle Storage Lot” means an establishment or place of business that is maintained or operated or associated with the operation of a motor vehicle salvage, towing or recovery services, any motor vehicle storage, even temporary, of motor vehicles removed from public or private property, including those operations which may be commonly referred to as impound lots.

(C) (2) Any person operating or maintaining a junk yard within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road, prior to the effective date of the passage of this Ordinance, shall within one year thereafter erect a fence in order to obscure the operation. If after passage of this Ordinance a junk yard is established within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road it shall erect a fence in order to obscure the operation.

If it is not practical or economically feasible by reason of topography, as determined by the Safety/Service Director to obscure the view of a junk yard by use of a fence then the Safety/Service

Director shall require suitable plantings, or a practical and appropriate barrier not less than six feet nor more than ten feet in height, to partially obscure the view of the operation.

Nothing contained in this section shall be construed to relieve any person of his/her duty to comply with the provisions of ordinances enacted by the municipal corporation regulating or prohibiting junk yards, including requirements to obtain license under municipal ordinances or compliance with the municipalities zoning regulations. The requirement to obtain a license, if any, from the municipality under this section shall be in addition to regulations imposed and licenses required under municipal ordinances.

(D) Persons operating vehicle storage lots shall, in addition to all regulation and obligations contained herein shall be prohibited from keeping, allowing or permitting that same motor vehicle from remaining at the vehicle storage lot in excess of one year. In addition thereto, the person shall prevent the storage lot from becoming a nuisance, including preventing the storage lot from contributing to vermon and rodent populations.

(E) No person shall store or keep outside of a building in any Residential District, any motor vehicle which does not display a current Ohio license plate registered to such vehicle, for a period, either consecutively or cumulatively, in excess of 15 days.

(F) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a 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. (R.C. § 4513.99(E)) ('70 Code § 660.07; Ord. 1998-15, passed 2-9-1998; Ord. 1998-87, passed 6-22-1998; Ord. 2001-83, passed 06-25-2001) Penalty, see § 698.02

Cross-reference:

Safety and equipment for motor vehicles, see Ch. 337

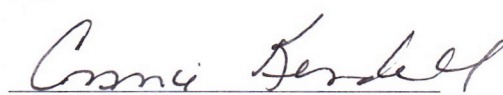
Abandoned junk motor vehicles, see § 351.18

Statutory reference:

Disposition of abandoned junk motor vehicle, see R.C. § 4513.63



Mayor



Council President



Clerk

Date Passed 8/9/21