

**ORDINANCE OF THE COUNCIL OF THE VILLAGE OF WAYNESFIELD,  
AUGLAIZE COUNTY, OHIO**

**ORDINANCE NUMBER: 24-4-5**

**PASSED:** April 22, 2024

**AN ORDINANCE REPEALING CHAPTER 95: UNCLAIMED AND ABANDONED VEHICLES OF THE 2024 EDITION OF THE OHIO BASIC CODE ADOPTED BY ORDINANCE 24-2-1, AND REPLACING IT WITH JUNK AND ABANDONED MOTOR VEHICLES, ATTACHED AS EXHIBIT A, AND DECLARING AN EMERGENCY.**

**WHEREAS,** the Village of Waynesfield recently adopted the 2024 Edition of the Ohio Basic Code through Ordinance 24-2-1; and

**WHEREAS,** within the 2024 Edition of the Ohio Basic Code is Chapter 95: UNCLAIMED AND ABANDONED VEHICLES; and

**WHEREAS,** the Village prefers to regulate Junk and Abandoned Motor Vehicles through a separately adopted ordinance, such as Ordinance 20-1-3, previously adopted, which is more tailored to best serve Village, its citizens, businesses and visitors.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAYNESFIELD, AUGLAIZE COUNTY, OHIO:**

**SECTION I:** The Village hereby repeals Ohio Basic Code is Chapter 95: UNCLAIMED AND ABANDONED VEHICLES within the 2024 Edition of the Ohio Basic Code in its entirety.

**SECTION II:** The Village adopts Junk and Abandoned Motor Vehicles, attached as Exhibit A, which replaces Chapter 95 in the 2024 Edition of the Ohio Basic Code.

**SECTION III:** The clerk is instructed to post the Junk and Abandoned Motor Vehicles, attached as Exhibit A, on the Village website, with the ordinance, to notify the public that Ohio Basic Code is Chapter 95: UNCLAIMED AND ABANDONED VEHICLES within the 2024 Edition of the Ohio Basic Code is repealed in its entirety and replaced by Junk and Abandoned Motor Vehicles, attached as Exhibit A.

**SECTION IV:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

**SECTION V:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the Village of Waynesfield, specifically to continue with the enforcement of the Junk and Abandoned Motor Vehicles law tailored to the needs of the village. This Ordinance shall go into immediate effect provided that it



receives two thirds vote of all members of Village Council.

VOTE: Emergency First Reading

Ball: *yes*

Miller: *yes*

Hutson: *yes*

Nickles: *yes*

Walti: *yes*

Fox: *yes*

Adopted: April 22, 2024

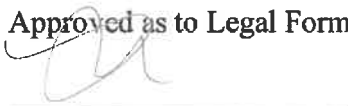


Mayor

Attest: Sarah Montgomery

Fiscal Officer

Approved as to Legal Form:



Solicitor



## **EXHIBIT A**

### **CHAPTER 95: JUNK AND ABANDONED MOTOR VEHICLES**

#### **§ 95.01 PURPOSE.**

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights against unwarranted invasion and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village, and the general welfare of its citizens. The unrestrained accumulation of motor vehicles not in operating condition is hazardous to such health, safety, and welfare of the citizens of the Village, necessitating the regulations, restraint and elimination thereof. This Chapter is enacted in recognition of the fact that even a single junk vehicle abandoned or stored on private or public property:

- (A) Can constitute both a public and private nuisance.
- (B) Is a source of potential hurt to children and others who find them an attractive nuisance.
- (C) Is replete with broken glass, sharp torn metal edges and points, gasoline remaining in tanks of a highly explosive nature and combustible nature, and hurtful acids in batteries, to mention but a few of the obvious sources of physical hurt found in junk vehicles.
- (D) Constitutes a blight on the landscape.
- (E) Destroys the aesthetic qualities of the Village and is generally unsightly.
- (F) Tends to depreciate not only the property on which it is located, but also the property of other persons in the neighborhood and the Village, generally.
- (G) Makes the Village a less safe and less pleasant place in which to live and to do business.
- (H) Damages the welfare of the Village as a whole.
- (I) Tends to result in uncontrolled grass and the collection of debris.
- (J) Tends to be a breeding ground for insects, rodents and similar harmful creatures.

#### **§ 95.02 DEFINITIONS; APPLICABILITY.**

- (A) For the purposes of this Chapter the terms “abandoned” or “junk” motor vehicles, are defined as follows, as well as other terms which shall apply in this Chapter unless the context clearly indicates or requires a different meaning.

#### ***ABANDONED MOTOR VEHICLE.***

- (a) Any motor vehicle which is left on private property for more than forty-eight (48) hours without the permission of the person having the right of the possession of the property.
- (b) Any motor vehicle which is left on public property for forty-eight (48) hours or longer without the permission of the Village Council through legislative action in an open meeting or Mayor of the Village, in writing.

**LICENSED.** Having a valid/current license plate (and sticker) appropriately attached or affixed to the motor vehicle.

***JUNKED MOTOR VEHICLE.***

- (a) A vehicle of any age that is damaged or defective including, but not limited to, any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:
  - 1. Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;
  - 2. Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;
  - 3. Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to fenders, doors, engine hood, bumper or bumpers, windshield, or windows;
  - 4. Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;
  - 5. Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;
  - 6. Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;
  - 7. Lying on the ground (upside down, on its side, or at other extreme angle), sitting on blocks or suspended in the air by any other method;

8. General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

***INOPERATIVE MOTOR VEHICLE.*** Any motor vehicle not moved for thirty (30) consecutive days shall be presumed to be inoperative.

***MOTOR VEHICLE.*** Any device, including major part thereof in, or by which any person or property is or may be transported, including devices used exclusively on stationary rails or tracks, and including devices to be pulled, drawn or towed by a motor vehicle, but not including devices moved by human or animal power.

***PUBLIC PROPERTY.*** Any public street, highway, alley, sidewalk boulevard, bikeway, property open to the public for vehicular travel or parking, and any other property owned or operated by the Village, and any right-of-way thereof.

***PERSON.*** Any individual, firm, partnership, company, unincorporated association, or corporation.

**§ 95.03 STORING, PARKING, OR LEAVING JUNKED OR ABANDONED MOTOR VEHICLES PROHIBITED.**

- (A) No person shall store, park, or have any motor vehicle which is in a junked, abandoned, inoperative, dismantled or partially dismantled condition, whether attended or not, within the Village, upon any public or private property, for a period of time of forty-eight (48) hours or longer.
- (B) The presence of a junked, abandoned, inoperative, dismantled or partially dismantled motor vehicle, on private or public property is a public nuisance which may be abated in accordance with the provisions of this section.
- (C) This section shall not apply to any motor vehicle on private property which is stored in conformity with State laws, or if the motor vehicle is a collector's vehicle, as defined in R.C. §4501.01(F).
- (D) No person shall be prevented from storing or keeping, or restricted in the method of storing or keeping any collector's vehicle on private property with the permission of the persons having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

**§ 95.04 DISPOSITION OF JUNKED VEHICLE.**

- (A) No person in charge or control of any private property within the Village, whether as an owner, tenant, occupant, lessee or otherwise, shall allow any junked, inoperative

dismantled or partially dismantled motor vehicle to remain on such property longer than seven (7) days after notice is served, in any manner provided by the Ohio Rules of Civil Procedure for service of summons in civil actions, to remove the motor vehicle from such property. A copy of said notice shall also be conspicuously affixed to the motor vehicle if the surrounding facts and circumstances make it practicable to do so. The fact that such premises are rented or leased by the owner to another party shall not relieve such owner from the responsibility herein.

- (B) If no person in charge or control of any such property can be found, notice to such persons may be published once in a public place in the Village. Such motor vehicle shall be removed by such person within seven (7) days after publication.
- (C) This section shall not apply with regard to any motor vehicle described in Section 95.03 (C) hereof.

#### **§ 95.05 HEARING.**

If the property owner, tenant or occupant, within seven (7) days after notice is served, as provided for herein, contends the vehicle is not a violation of this Chapter and desires a hearing, the owner, tenant or occupant shall set forth in writing their grounds for contesting the charge and request a hearing. The written grounds and request for a hearing shall be personally served upon, the Mayor, Village Administrator, Fiscal Officer, Village Solicitor or deposited in the utility payment drop box.

The owner, tenant or occupant shall then be entitled to a hearing before the Village Property Maintenance Committee, which shall decide whether a violation exists. The decision of the Property Maintenance Committee will result in the filing of criminal charges, if a violation is found to exist and is not eliminated within the time allowed by the Committee.

#### **§ 95.06 PROCEDURE OF HEARING.**

A hearing requested pursuant to Section 95.05 hereof shall be held as soon as practicable after the filing of the request. Persons requesting a hearing shall be advised of the time and place of said hearing. The scope of said hearing shall be limited to the following issues.

- (A) Whether the person requesting the hearing is in charge or control of the private property as charged; and
- (B) Whether the motor vehicle is junked or inoperative as charged.

At any such hearing, the Village and the persons to whom notices have been directed, may introduce such witnesses and evidence as each party deems necessary. The Property Maintenance Committee shall then either affirm, reverse or modify the order.

#### **§ 95.07. IMPOUNDING OF VEHICLES, REDEMPTION.**

- (A) If a violation of Section 95.04 has not been remedied with the seven (7) day period of



compliance, or in the event that a request for a hearing is filed as prescribed in Section 95.05 hereof, a hearing is held and the existence of the violation is affirmed, the vehicle may be impounded.

- (B) The impoundment of a vehicle may be effectuated by contacting any commercial towing and storage facility in Auglaize or a contiguous county.
- (C) The movement of a vehicle from private property to any public right-of-way, or to another location under similar circumstances constituting a violation of Section 95.03 hereof, shall not remedy a violation of Section 95.03 hereof, and a vehicle so moved remains subject to impoundment.

#### **§ 95.08. RIGHT OF ENTRY; INSPECTIONS.**

- (A) The Village police department and other representatives of the Village shall have the right to enter and inspect at any reasonable hour any premises on which vehicles are openly stored and to inspect such vehicles. If within the time provided for such removal following service of a determination that a vehicle is a junk vehicle (including any extension of time resulting from any appeal or stay of execution), the open storage of the junk vehicle within the Village is not terminated, the junk vehicle shall be automatically deemed a public nuisance, and the Village, or a commercial towing and storage company, or a representative of the Village, shall have the right to enter and remove such vehicle from any premises within the Village where the vehicle may be found and to dispose of the vehicle. Neither the Village nor any person acting on behalf of the Village shall be liable to any person for the disposal or destruction of junk vehicles. The right of entry shall not be limited in any way by the existence or lack of existence of a request, authorization, license or other consent or approval of entry, inspection or removal.
- (B) One or more of the owner, occupant and tenant shall be charged the actual cost of labor, equipment and disposal of the vehicle or vehicles with a minimum charge of one (1) hour of labor for the combined average wage of two (2) employees of the Village, and one (1) hour of the hourly wage of one (1) law enforcement officer on behalf of the Village. Such charges are due and payable by the owner, occupant or tenant within thirty (30) days of receipt of the invoice, or after the hearing before the Property Maintenance Committee if a hearing is requested, after which the Village shall cause such charges, plus any legal fees and penalties meted out, to be placed upon the tax duplicate of the property for collection by the County Auditor.

#### **§ 95.09. STORAGE BY WRECKERS, COMMERCIAL GARAGES, AND WRECKER-COMMERCIAL GARAGES.**

- (A) If operations are permitted by state, county and local laws, including rights under any nonconforming uses, and including any limitations, restrictions or conditions established according to law by the Village, the zoning board of appeals, the planning board or any court of competent jurisdiction and are not in violation of any applicable private restrictive covenant or agreement filed or recorded in the county clerk's office:
  - (1) Any commercial wrecker service may store junk vehicles on one (1) site, but not

on more than one (1) site, within the Village, provided that no junk vehicle is so stored within the Village for more than fifteen (15) days.

- (2) Any commercial garage may store junk vehicles on any one (1) site, but not on more than one (1) site within the Village, pending and during repair of such vehicles, provided that no junk vehicle is so stored within the town for more than sixty (60) days, or if a permit for extended storage is issued, for sixty (60) days, plus any extension permitted.

**§ 95.10 PENALTY.**

Whoever violates this Chapter is guilty of a minor misdemeanor on a first offense; a misdemeanor of the fourth degree on a second offense; and a misdemeanor of the third degree on each subsequent offense. A separate offense shall be deemed committed on each seventh (7) day during or on which a violation occurs or continues.