

Ordinance No. 1299Passed June 6 1995**ORDINANCE NO. 1299**

AN ORDINANCE PROVIDING FOR THE REMOVAL, TOWING, IMPOUNDING AND DISPOSAL OF ABANDONED JUNK VEHICLES, VEHICLES LEFT ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY AND PROVIDING FOR A PENALTY AND DECLARING AN EMERGENCY.

WHEREAS, numerous complaints have been received concerning the parking, abandonment and storage of junk, wrecked, partially dismantled and inoperative vehicles within the Village of Glandorf, Ohio, and

WHEREAS, the Council of the Village of Glandorf has considered the complaints in meeting and finds that it is in the best interest of the citizens of the Village of Glandorf that legislation be enacted to abate the problem,

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

SECTION 1. No person, firm or entity shall leave any inoperative, junked, wrecked, partially dismantled or abandoned junk motor vehicle on any alley, street or highway or upon public property of any kind within the Village of Glandorf, Putnam County, Ohio, for more than twenty-four (24) hours;

SECTION 2. No person, firm or entity shall leave any inoperative, junked, wrecked, partially dismantled or abandoned junk motor vehicle on any private property for more than twenty-four (24) hours without the permission of the person having the right to the possession of the property.

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.

SECTION 3. No person, firm or entity having right to possession of any property within the Village of Glandorf, Putnam County, Ohio, whether as owner, tenant, occupant, licensee, invitee, or otherwise, shall allow any inoperative, junked, wrecked, partially dismantled or abandoned junk motor vehicle to remain on the possessed property for more than seventy-two (72) hours. This Section shall not apply to vehicles enclosed in a structure, or to commercial garages, repair shops, used car dealers, or junk yards operating in a lawful manner according to ordinances and statutes which may apply.

Ordinance No.

Passed 19

SECTION 4. Upon the complaint of any person adversely affected, the Chief of Police of the Village of Glandorf, may order into storage any motor vehicle that has been left for at least four (4) hours without the permission of the person having the right to the possession of the property. When ordering a motor vehicle into storage pursuant to this Section, the Chief of Police shall, whenever possible, arrange for the removal of such motor vehicle by a private tow truck operator or towing company. The owner of a motor vehicle that has been removed pursuant to this Section may recover the vehicle by paying any and all expenses, fines, court costs, or charges incurred in its removal and storage, and only upon proof of ownership presented to the Chief of Police. If a motor vehicle that is ordered into storage remains unclaimed by the owner for thirty (30) days, the procedures established by Sections 4513.61 and 4513.62 of the Ohio Revised Code shall apply.

SECTION 5. "Abandoned junk motor vehicle" as used in this Ordinance shall have the definition and meaning set forth in Section 4513.63 of the Ohio Revised Code, EXCEPT that the period for establishing "abandonment" shall be reduced from seventy-two (72) hours as to private property and forty-eight (48) hours as to public property to twenty-four (24) hours as to all types of property.

SECTION 6. "Junk motor vehicle" as used in this Ordinance shall have the definition and meaning set forth in Section 4513.65 of the Ohio Revised Code.

SECTION 7. "Chief of Police" as used in this Ordinance shall have the definition and meaning of any law enforcement of the Village of Glandorf who shall have the designated authority from the Chief of Police to act under this Ordinance and shall include all on duty law enforcement officers of the Village of Glandorf.

SECTION 8. The Mayor of the Village of Glandorf and the Chief of Police of the Village of Glandorf, Putnam County, Ohio, shall order any abandoned junk motor vehicle or any other vehicle violating the terms of this Ordinance into storage and said vehicles shall be held and disposed of in accordance with the provisions of Sections 4513.62 and 4513.63 of the Ohio Revised Code, and Section 737.29 et seq. of the Ohio Revised Code. The provisions of Section 4513.65 of the Ohio Revised Code as to notice to persons having the right to possession of property on which a junk motor vehicle is left shall apply in all cases of junk motor vehicles, as well as the provision that non-compliance with the notice for subsequent periods of thirty days constitute separate offenses under this Ordinance.

RECORD OF ORDINANCES

167

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Ordinance No.

Passed 19

SECTION 9. No owner or operator of any motor vehicle ordered into storage hereunder shall remove or attempt to remove any stored motor vehicle without complying fully with all requirements of this Ordinance. Possession or control of a motor vehicle which has been removed without such compliance shall constitute prima facie evidence that the motor vehicle was removed by the owner or operator.

SECTION 10. Any person, firm or entity violating any provision of this Ordinance for which no other penalty is provided, is guilty of a minor misdemeanor for a first offense, and for a second offense within one year after the first offense, is guilty of a misdemeanor of the fourth degree.

SECTION 11. That this ordinance constitutes an emergency measure providing for the usual daily operation of the Village of Glandorf and for further reason that said junk cars are endangering the safety of the residents of the village; and

SECTION 12. This Ordinance shall be in effect from and after the earliest period allowed by law.

PASSED: June 6, 1995

APPROVED:

Eugene Warnecke
Eugene Warnecke, Mayor

ATTEST:

Carol Brinkman
Carol Brinkman, Clerk