ORDINANCE 0-2017-19

AN ORDINANCE AMENDING SECTION 521.11 STORAGE OF JUNK AND JUNK CARS

WHEREAS, the Safety Committee of the Council has determined that revisions to Windham Codified Ordinance 521.11 are needed; and

WHEREAS, upon review, the Council has determined that the revisions to the Windham Codified Ordinances as are set forth in Exhibit A hereto are appropriate and should be enacted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, County of Portage, State of Ohio that the majority of its members thereto concurring that:

Section One: Section 521.11 of the Windham Codified Ordinances is hereby repealed.

Section Two: The provisions set forth and shown in Section 521.11 of the Windham Codified Ordinances as are shown on the attached Exhibit "A" are hereby enacted.

<u>Section Three</u>: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Passed in Council	Second Reading	August 22, 2017 September 26, 2017 October 24, 2017
Vote of Council:	Ayes: 5 Nays: 1	
ATTEST:		APPROVED:
Fiscal Officer, Cheree M. Taylor		Deborah Blewitt, Mayor
APPROVED AS T	O FORM:	

Village Solicitor, Thomas Reitz

521.11 STORAGE OF JUNK AND JUNK CARS.

- (a) As used in this section:
 - (1) "Junk" means any worn out, cast off or discarded article which is ready for destruction or has been collected or stored for salvage or conversion to some other use.
 - (2) "Junk eCar" means any used car or motor vehicle which has been abandoned for use as a motor vehicle on a public street or highway or which is in unsafe operating condition, and has remained in such condition for a period of thirty days, or any motor vehicle not currently licensed by the State, located on private or public property, or any "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63. Portions of junk cars such as hoods, fenders, radiators, motors, etc., shall be considered junk.
 - (3) "Rubbish" means and includes wire, chips, sawings, bottles, broken glass, crockery, cast or wooden ware, boxes, rags, dead weeds, stumps, tree trunks, brush, pipe circulars, handbills, shoes, boots, ashes or any waste material other than garbage or offal.
 - (4) "Owner" means the person or entity set forth as the owner of record in whose name premises are listed in the record of deeds and recorded in the County Recorder's Office. In addition, "Owner" with respect to a Junk Car also means the individual or entity who is shown on the vehicle certificate of title.
 - (5) "Notice" means a letter stating the manner in which this section is being violated, the description and/or location of the premises where the violation exists, the name of the owner and tenants, if any, of such premises, and the period of time within which the violation of this section shall be abated. Such letter shall be signed by the Chief of Police or his designee.
- (b) No person shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any <code>Jj</code>unk <code>eC</code>ar or <code>Junk Car</code> parts on his premises, or any premises he owns, or uses. or under his control, or in any other place. Maintenance of items which are described under this section as <code>"jJ</code>unk" and/or <code>"jJ</code>unk <code>eC</code>ars" shall not be held to violate this section, so long as they are stored in a fully enclosed, permanent building. It is notshall no longer be sufficient for items described as "junk" or "junk cars" to be maintained under a cover, whether cloth or otherwise.
- (c) The storage of vehicle which might be classified as "jJunk" under this provision shall not be deemed a violation, so long as the vehicles in question are being stored pursuant to the direction of the Chief of the Windham Village Police Department as a result of the vehicle having been seized by the Windham Village Police Department.
- (d) Except as otherwise provided herein, any person violating this section shall, within fifteenfive (5) days after notification of such violation by the Chief of Police or one of his subordinates, remove or cause to be removed any junk, junk cars and rubbish or have the same placed in a building. In the event of failure to comply with the direction in the Noticedo so, the Owner shall be deemed guilty of violating the provisions of this section. Such notice as is hereinabove provided shall be served upon the Owner, or tenant; if there is such, by certified mail or in person by an officer of the Department of Police. The service of a single Notice shall be sufficient notice as to all violations under this ordinance for a period of one calendar year from the date of service on the Owner or tenants. The fact that the premises in question are rented or leased by the Owner to another party shall not release the Owner from the responsibilities herein.
- (e) In the event that such person found to be-violating this section fails to remove such $j\underline{J}$ unk, $j\underline{J}$ unk $e\underline{C}$ ars or $f\underline{R}$ ubbish or fails to have the same placed in a building in accordance with the $f\underline{R}$ notice aforesaid, then the Chief of Police or one of his subordinates, may enforce this section by removing such $f\underline{J}$ unk, $f\underline{J}$ unk $f\underline{C}$ ars or $f\underline{R}$ ubbish from the premises to such places as the Mayor may designate as appropriate for storing or disposing of the same. This remedy is in addition to the penalty provided in subsection (f) hereof, and is in addition to having this material treated as a nuisance and disposed of in that fashion.
- (f) Whoever violates any of the provisions of this section is guilty of a <u>misdemeanor</u> offense. The first such offense shall be punished by a fine of up to a maximum of <u>oOne</u> hHundred <u>Fifty dD</u>ollars (\$100150.00). A second <u>such</u>-offense <u>within one calendar year of the initial offense</u> shall be punished by a fine of up to a maximum of <u>tT</u>wo hundred <u>tFifty dD</u>ollars (\$250.00). Any third or subsequent offense <u>within one calendar year</u> shall be punished by a fine of up

to Five Hundred Dollars (\$500.00). A separate offense shall be deemed committed each day such violation continues beyond the period stipulated in the notice, but in no event shall such storage continue longer than thirty days. The Village shall be repaid by the Owner of the property removed for Sstorage charges and charges for the removal or towing of jJunk, jJunk eCars and/or rRubbish. If the Village is not promptly repaid all such unpaid charges shall be placed as constitute a lien against the property upon which such jJunk, jJunk eCars and/or rRubbish were located prior to removal in favor of which the Village should be repaid for its disposal, wherever such recovery may be had. (Ord. 1426. Passed 4-9-96.)