



## 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 Jjunk eCar or Junk Car 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 "jJunk" and/or "jJunk eCars" shall not be held to violate this section, so long as they are stored in a fully enclosed, permanent building. It ~~is not~~shall 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 ~~is~~ having been seized by the Windham Village Police Department.

(d) Except as otherwise provided herein, any person violating this section shall, within ~~fifteen~~five (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 Notice ~~to 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 jJunk, jJunk eCars or Rubbish or fails to have the same placed in a building in accordance with the ~~notice~~ aforesaid, then the Chief of Police or one of his subordinates, may enforce this section by removing such jJunk, jJunk eCars or Rubbish 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 misdemeanor offense. The first such offense shall be punished by a fine of up to a maximum of ~~one hundred~~ Fifty ~~dollars~~ (\$~~100~~150.00). A second ~~such~~ offense within one calendar year of the initial offense shall be punished by a fine of up to a maximum of ~~two hundred~~ Fifty ~~dollars~~ (\$~~200~~250.00). Any third or subsequent offense within one calendar year 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 \$ storage 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 econstitute a lien against the property upon which such jJunk, jJunk eCars and/or rRubbish wereis 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.)