

An Ordinance Providing For Removal Of
Junk Motor Vehicles Within The Village
of South Point

Whereas, Inoperable, abandoned and/or unlicensed vehicles stored or parked within the Village of South Point on residential property and on Village right of ways has caused numerous complaints from residents as the vehicles are unsightly, health hazards as they harbor rodents, and depreciating property values in the areas where they are stored.

Now, Therefore Be It Resolved, by the Council of the Village of South Point, that:

Section 1. It shall be unlawful for any person, firm, or corporation to use the streets or public ways of the Village of South Point for the purpose of storing vehicles. Storing shall be deemed to exist when a vehicle has been parked continuously, and has not moved for a period of ten consecutive days when such vehicle is inoperable and/or fails to display current vehicle registration plates. Parking as used above also means the standing of a vehicle upon a public street or way.

Section 2. No person shall willfully leave a "Junk Motor Vehicle" as defined by Section 4513.63 divisions (B), (C), (D), and (E) of the Ohio Revised Code in the open for more than ten days after receipt of a "Notice To Remove" given by the Chief of Police of the Village of South Point. Upon a complaint from a village resident of a junk motor vehicle, including an inoperable, abandoned and/or unlicensed vehicle, the Chief of Police shall inspect the vehicle and if he determines the vehicle to be a junk motor vehicle, shall issue the owner of the vehicle, in person or by certified mail, a Notice To Remove. The owner of the junk motor vehicle shall either house the vehicle in a garage or other suitable structure, or shall remove the vehicle from the property within ten days of receiving the Notice To Remove.


Section 3. Upon receiving a Notice To Remove a vehicle, a resident may apply at the Mayor's Office for a forty five (45) day Permit to restore a vehicle to operable condition. The fee for the permit shall be ten (\$10.00) dollars and may not be renewed.


Section 4. Any person not complying with a Notice To Remove a junk motor vehicle issued by the Chief of Police shall be in violation of this ordinance and the junk motor vehicle shall be removed by securing a wrecker under the direction of the Chief of Police. Such vehicles will be released to the owner upon the payment of necessary and reasonable towing and storage fees together with any other proper fines levied against the owner thereof. Violations of this ordinance are subject to minor misdemeanor charges. If the junk motor vehicle is not claimed by the owner after 30 days from notification, the vehicle shall be disposed of at the discretion of the Chief of Police and any and all money received for the dispossession shall be deposited into the General Fund.

Section 5. Repealing former action. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. This ordinance is hereby needed to preserve the public peace, welfare, health and safety of the citizens of the Village of South Point are involved and shall become effective immediately upon passage.

Adopted This 1st Day of November, 2005


William A. Gaskin, Mayor

Attest: 
Scott Thomas, Clerk

§ 4513.63. Photographing and recording information as to abandoned junk vehicles; disposal of vehicle.

"Abandoned junk motor vehicle" means any motor vehicle meeting all of the following requirements:

- (A) Left on private property for forty-eight hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer;
- (B) Three years old, or older;
- (C) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- (D) Apparently inoperable;
- (E) Having a fair market value of one thousand five hundred dollars or less.

The sheriff of a county or chief of police of a municipal corporation, township, or township police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action, shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of one thousand five hundred dollars or less. The sheriff or chief of police shall thereupon immediately dispose of the abandoned junk motor vehicle to a motor vehicle salvage dealer as defined in section 4738.01 of the Revised Code or a scrap metal processing facility as defined in section 4737.05 of the Revised Code which is under contract to the county, township, or municipal corporation, or to any other facility owned by or under contract with the county, township, or municipal corporation for the destruction of such motor vehicles. The records and photograph relating to the abandoned junk motor vehicle shall be retained by the law enforcement agency ordering the disposition of such vehicle for a period of at least two years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with, and, within thirty days of disposing of the vehicle, shall sign and file the affidavit with the clerk of courts of the county in which the motor vehicle was abandoned. The clerk of courts shall retain the original of the affidavit for the clerk's files, shall furnish one copy thereof to the registrar, one copy to the motor vehicle salvage dealer or other facility handling the disposal of the vehicle, and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photograph relating to the disposal. Any moneys arising from the disposal of an abandoned junk motor vehicle shall be deposited in the general fund of the county, township, or the municipal corporation, as the case may be.

Notwithstanding section 4513.61 of the Revised Code, any motor vehicle meeting the requirements of divisions (C), (D), and (E) of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in section 4513.61 of the Revised Code may be disposed of as provided in this section.

§ 4513.64. Willfully abandoning junk motor vehicle prohibited.

(A) No person shall willfully leave an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the sheriff of the county or chief of police of the municipal corporation, township, or township police district of the reasons for leaving the motor vehicle in such place.

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.

Nothing contained in sections 4513.60, 4513.61, and 4513.63 of the Revised Code shall invalidate the provisions of municipal ordinances or township resolutions regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within municipal corporations or townships.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the county, township, or municipal corporation in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the county, to the township, or to the municipal corporation from this disposal of the vehicle.

HISTORY: 134 v H 24 (Eff 10-6-71); 138 v S 257 (Eff 6-25-80); 144 v H 77. Eff 9-17-91; 149 v S 123, § 1, eff. 1-1-04.

§ 4513.65. Junk motor vehicle; collector's vehicle; storage; notice.

(A) For purposes of this section, "junk motor vehicle" means any motor vehicle meeting the requirements of divisions (B), (C), (D), and (E) of section 4513.63 of the Revised Code that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Revised Code, or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

No political subdivision shall prevent a person from storing or keeping, or restrict a person in the method of 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 political subdivision may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

The sheriff of a county, or chief of police of a municipal corporation, within the sheriff's or chief's respective territorial jurisdiction, a state highway patrol trooper, a board of township trustees, the legislative authority of a municipal corporation, or the zoning authority of a township or a municipal corporation, may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is 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.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor on a first offense. If the offender previously has been convicted of or pleaded guilty to one violation of this section, whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, whoever violates this section is guilty of a misdemeanor of the third degree.

HISTORY: 135 v H 635 (Eff 5-7-74); 136 v S 52 (Eff 9-15-75); 144 v S 144. Eff 8-8-91; 149 v S 123, § 1, eff. 1-1-04.