

JUNK MOTOR VEHICLE RESOLUTION

Resolution 2008-012

A Resolution Enacting Section 505.173, 505.85, 505.87, and 505.871 of The Ohio Revised Code For the Control and Abatement of Junk Motor Vehicles

Whereas, The Board of Trustees of Elizabeth Township, Miami County finds that junk motor vehicles on Public or Private property within Elizabeth Township, Miami County are unsafe and unsightly, and are detrimental to property values, and are injurious to the health, safety, welfare, and morals of the community, and

Whereas, Section 505.173 of The Ohio Revised Code authorizes Boards of Township Trustees to adopt such Resolutions as deemed necessary to regulate the storage of junk vehicles on private or public property within the unincorporated areas of their Townships, and

Whereas, The Board of Trustees of Elizabeth Township, Miami County hereby determines that it is necessary to adopt a Resolution pursuant to section 505.173 of the Ohio revised Code to regulate the storage of junk motor vehicles on private and public property within the unincorporated area of Elizabeth Township, Miami County, to protect property values, and preserve the health, safety, welfare, and morals of the community.

Now, therefore, be it resolved by the Board of Trustees of Elizabeth Township, Miami County, that:

- Section 1. As used in this resolution, "Junk Motor Vehicle" means a motor vehicle, including a Collector's Vehicle that meets any or all of the following criteria:
 - A. Three model years old or older
 - B. Apparently Inoperable
 - C. Extensively damaged, including, but not limited to, any of the following. Missing wheels, tires, engine and transmission.

- Section 2. The Board of Trustees of Elizabeth Township, Miami County may cause a notice to be sent by Certified Mail Return Receipt Requested to the person or persons who have the Right of Possession of Real Property within Elizabeth Township, Miami County, that such persons may not store a junk motor vehicle on said property except within an enclosed garage.

- Section 3. No person having the Right of Possession of Real Property within the unincorporated area of Elizabeth Township, Miami County shall willfully leave a Junk Motor Vehicle on such real property outside of an enclosed garage for more than fourteen (14) days after receipt of a notice. The fact that a Junk Motor Vehicle is so left is prima-facie evidence of a willful failure to comply with the notice.

- Section 4.
 - A. The Board of Trustees of Elizabeth Township, Miami County, Ohio may provide under 505.871 of the Ohio Revised Code, by resolution, for the removal of any vehicle in the unincorporated territory of Elizabeth Township that the Board determines is a Junk Motor Vehicle, as defined in section 505.173 of the Ohio Revised Code.
 - B. If a Junk Motor Vehicle is located public property, the Board of Trustees of Elizabeth Township may provide in the resolution for the immediate removal of the vehicle.
 - C. If the Junk Motor Vehicle is located on private property, the Board of Trustees of Elizabeth Township may provide in the resolution for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.
 - D. The notice provided shall generally describe the vehicle to be removed and indicate all of the following:
 - 1. The Board of Trustees of Elizabeth Township has determined that the vehicle is a Junk Motor Vehicle.
 - 2. If the owner of the land fails to remove the vehicle within fourteen (14) days after service of the notice, the Board may remove or cause the removal of the vehicle.
 - 3. Any expensed the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

- Section 5. The Board of Trustees of Elizabeth Township shall serve notice under this division by sending it by certified mail return receipt requested to the owner of the land if the owner resides in the unincorporated territory of the township. If the owner's address is not known, The Board of Trustees may authorize an employee of the Board of Trustees to publish a copy of the Resolution in a newspaper of general circulation in Miami County, Ohio.
- A. A notice sent by certified mail shall be deemed to be served for the purposes of this section on the date it was received as indicated by the date on a signed return receipt.
 - B. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.
- Section 6. The Board of Trustees of Elizabeth Township may cause the removal, or may employ the labor, materials, and equipment necessary to remove a Junk Motor Vehicle under this section. All expenses incurred in removing or causing the removal of a Junk Motor Vehicle, when approved by the Board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred (500) dollars, the board may borrow moneys from a financial institution to pay expenses in whole or in part.
- Section 7. The Board of Trustees of Elizabeth Township may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a Junk Motor Vehicle under this section including any fees or interest paid to borrow moneys under this section. The Board may direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Elizabeth Township general fund.
- A. Notwithstanding section 4513.65 of the Ohio Revised Code any collector's vehicle that meets the definition of a Junk Motor Vehicle is subject to removal under this section.
 - B. Nothing in this section affects the authority of the Board of Trustees of Elizabeth Township to adopt and enforce resolution under section 505.173 of the Ohio Revised Code to regulate the storage of Junk Motor Vehicles on private or public property in the unincorporated territory of Elizabeth Township.
 - C. A resolution adopted under this section is subject to the same restrictions specified in section 505.173 of the Ohio Revised Code for resolutions adopted under that section.
- Section 8. Nothing herein shall restrict the operation of a Scrap Metal Processing Facility under the Authority of Sections 4737.05 to 4734.12 of the Ohio Revised Code, the operation as a Motor Vehicle Salvage Dealer, Salvage Motor Vehicle Auction or Salvage Motor Vehicle Pool of a person licenses under Chapter 4738 of the Ohio Revised Code; or the provisions of Towing and Recovery services conducted under Sections 4513.60 to 4513.63 of the Ohio Revised Code, including the storage and disposal of Junk Motor Vehicles removed from Public or Private property in accordance with those Sections.
- Section 9. Any fees incurred by Elizabeth Township, which were not paid in full by the Person who has the Right of Possession of Real Property, will be Abated. The Board of Elizabeth Township Trustees shall make a written report to the Miami County Auditor of the Boards action under this section. The Board shall include in the report a proper description of the premises and a statement of all expenses incurred for its servers, cost of providing notices, and the amount paid for any labor, materials, and equipment. The expenses incurred, when allowed, shall be entered upon the Tax Duplicate, is a lien upon the land from the date of the entry, shall be collected as other taxes, and shall be returned to the Elizabeth Township and placed in the Townships General Fund.
- Section 10. The Board of Trustees of Elizabeth Township may contract with a motor vehicle salvage dealer, as defined under section 4738.01 of the Ohio Revised Code, or a scrap metal processing facility, as defined in section 4737.05 of the Ohio Revised Code, for the removal or disposal of motor vehicles pursuant to sections 505.173, 505.871, 4513.60 to 4513.64 of the Ohio Revised Code. Any, and all, fees incurred by towing and storage of the Junk Motor Vehicle will be paid by the owner of the land.

Adopted October 1, 2008