

CITY OF FOSTORIA, OHIO

Ordinance No.: 2019 - _____

Introduced by: _____

Requested by: SSD

AN ORDINANCE

Enacting new section 521.58 of Chapter 521 of the Codified Ordinances of the City of Fostoria, Ohio entitled "Junk and Junk Vehicles".

WHEREAS, the Director of Public Service and Safety has determined that it is necessary for the City of Fostoria to prohibit the prolonged deposit, storage, maintenance, and collection of junk and junk vehicles and declaring such deposit, storage, maintenance or collection a public nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: The Codified Ordinances of the City of Fostoria, Ohio be, and the same hereby is, amended by adding thereto a new section, 521.58, of Chapter 521, "Junk and Junk Vehicles", which shall read as follows:

521.58 JUNK AND JUNK VEHICLES

(a) Definitions.

(1) "Junk" means any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material, which unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered "junk".

(2) "Junk vehicle" means any used vehicle propelled or intended to be propelled by power other than human power and which is in an inoperative or a partially dismantled condition. Portions of junk vehicles, such as hoods, fenders, radiators, rims, motors etc. not being utilized for the repair of a motor vehicle, and not being stored in an enclosed structure shall be considered junk.

(3) "Inoperative condition" means a vehicle which is incapable of being propelled under its own power.

(4) "Partially dismantled condition" means a vehicle which has some part or parts missing which is or are ordinarily an essential component thereof.

(b) Except as otherwise provided herein, the deposit, storage, maintenance or collection of junk or junk vehicles outside of a building is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the City.

(c) No person in charge or control of any premises within the City, whether as owner, tenant, lessee, occupant or otherwise, shall allow any junk or junk vehicle to remain upon such premises longer than seventy-two hours after receipt of written notice to remove such junk or junk vehicle from such premises or to cover such junk vehicle by housing it in a garage or other suitable structure. Written notice shall be issued and delivered by the Police Chief or anyone designated by him. Such written notice shall be served personally upon the owner, operator, or person having charge of the property involved, or by sending the same by regular U.S. Mail with a certificate of mailing, posting a copy thereof at a conspicuous place on the premises or in the yard attached to a wooden stake.

(d) This section, however, shall not apply to the deposit, storage, maintenance or collection of junk or junk vehicles in an enclosed building, in a regularly established junkyard or in any area of the City in which the same shall be permitted under the Zoning Ordinance.

(e) The Police Chief or anyone designated by him is hereby authorized to remove or cause to be removed any junk vehicle remaining at any place within the City in violation of the provisions of this section. Such junk vehicles shall be impounded until lawfully claimed or disposed of in accordance with the provisions of Ohio R.C. 737.32 or 4513.62 et seq.

(f) Persons may store or keep by unrestricted method any collector's vehicle as defined in Ohio R. C. 4501.01 (F) on private property with the permission of the person having the right to the possession of the property; except that such person having such permission shall conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

(g) No person shall willfully leave a junk motor vehicle uncovered in the open for more than seventy-two hours 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. Each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

(h) Any property impounded under this section other than titled motor vehicles shall be disposed of as determined by the Police Department after giving written notice to the property owner. The property will be disposed of unless all costs are paid and the property redeemed within five days of the receipt of such notice.

(i) Whoever violates this section is guilty of a special misdemeanor with a maximum fine of \$250 on a first offense within one year and each subsequent violation within a one year period shall be a special misdemeanor with a maximum fine of \$500 and a minimum fine of \$150.

SECTION 2: It is 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 any of its

committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the inhabitants of the City of Fostoria.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this _____ day of _____, 2019.

Steve Kauffman, Council President

ATTEST:

Tamara L. Drake, Clerk of Council

Filed with me and approved by me this _____ day of _____, 2019.

Eric J. Keckler, Mayor