

VILLAGE OF YELLOW SPRINGS, OHIO

ORDINANCE 2019-37

REPEALING SECTION 660.07 “STORING JUNK VEHICLES, UNLICENSED VEHICLES AND INOPERABLE VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION 660.07 “STORING JUNK VEHICLES, UNLICENSED VEHICLES AND INOPERABLE VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER”

WHEREAS, Section 660.07 of the Codified Ordinances of the Village of Yellow Springs, Ohio provides the requirements for storing junk vehicles and inoperable vehicles on private property; and

WHEREAS, Village Council has determined it would be in the best interest of the Village to adopt a new section entitled “Storing Junk Vehicles, Unlicensed Vehicles and Inoperable Vehicles on Private Property with Permission of Owner” to resolve a conflict in the Zoning Code section 1260.03;

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:

Section 1. Section 660.07 entitled “Storing Junk Vehicles, Unlicensed Vehicles and Inoperable Vehicles on Private Property with Permission of Owner” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new section 660.07 entitled “Storing Junk Vehicles, Unlicensed Vehicles and Inoperable Vehicles on Private Property with Permission of Owner” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herein.

Section 4 This ordinance shall take effect and be in full force at the earliest date permitted by law.

Brian Housh, President of Council

Passed: 12-2-2019

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Kevin Stokes __Y__
Lisa Kreeger __Y__ Kineta Sanford _ABSENT_

EXHIBIT A

660.07 STORING JUNK VEHICLES, UNLICENSED VEHICLES AND INOPERABLE VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.

(a) Definitions. As used in this section:

(1) "Collector vehicle" means any vehicle of special interest, having a fair market value of eight hundred dollars (\$800.00) or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.

(2) "Enclosure" means a structure that has a foundation, walls, ceiling and roof, being reasonably weathertight, watertight and rodentproof. Any associated windows, exterior doors or hatchways shall be of the same condition.

(3) "Historic vehicle" means any vehicle over twenty-five years of age.

(4) "Improper storage" means the outdoor unenclosed storage of an unlicensed vehicle, a junk vehicle, an inoperable historic vehicle or an inoperable collector vehicle, or any part thereof, upon any private lot or parcel of property ~~for a continuous period of thirty days or more.~~

(5) "Inoperable" means being incapable of moving under its own power.

(6) "Junk vehicle" means any vehicle, other than a collector or historic vehicle, as defined below, which:

~~A. Is three years old or older;~~

~~B. A.~~ Is extensively damaged, such damage including, but not limited to, any of the following elements, which are either missing or broken: wheel(s), tire(s), engine, transmission, window(s) or windshield; and

~~C. B.~~ Is inoperable.

(7) "Parts(s) thereof" means any of the components of a vehicle, including, but not limited to, wheels, tires, engine, doors, fenders, transmission, drive shaft and axles.

(8) "Private property" means any real property within the Village of Yellow Springs which is privately owned.

(9) "Unlicensed vehicle" means a motor vehicle that does not display a valid registration.

(10) "Vehicle" and "motor vehicle" are used synonymously; however, their respective meaning is the same as in Ohio R.C. 4511.01(A) and (B) and shall include historic and collector vehicles.

(b) Declaration of Public Nuisance. The improper storage of junk vehicles, unlicensed vehicles or inoperable historic vehicles, inoperable collector vehicles, or any part thereof, on private property with permission of the owner is hereby declared to be a public nuisance.

(c) Prohibited Acts; Issuance of Citation. No person shall keep, store, place or allow to remain on any private property within the corporate limits of the Village any unenclosed or ~~permit to be stored unenclosed more than one~~ unlicensed vehicle, or a junk vehicle or an inoperable historic or collector vehicle, or any part thereof, upon any private property the person owns or which is in the person's care, custody and control through a leasehold or otherwise for

more than seven days unless enclosed within a garage or other suitable permanent structure pursuant to zoning regulations.

~~If the condition has not been remedied within thirty days of the notice provided pursuant to division (d) of this section, a citation may be issued. Any vehicle removed pursuant to notice as provided in division (d) of this section, or otherwise, shall not be returned to the property unless it is repaired to the degree that it is no longer a junk vehicle as defined herein or an inoperable vehicle or part thereof, and until such time as it is properly licensed. A violation of this section shall not be justification for a zoning variance.~~

~~(d) Notice to Remove. The Police Department shall serve written notice on the property owners or persons in possession of such private property upon which an unlicensed vehicle, junk vehicle or inoperable vehicle, or any part or parts thereof, is improperly stored. Said notice shall be served either personally or by leaving a copy at the property. The thirty-day period shall commence to run the next day following the service of such notice. The Police Department shall serve written notice upon which any unlicensed vehicle, junk vehicle or inoperable vehicle, or any part or parts thereof that is improperly stored in person, or by leaving written notice at the property for the property owner or the person having the right to the possession of the property on which a junk motor vehicle is left, that within fifteen days of receipt of the notice, the junk motor vehicle either shall be housed in a garage or suitable permanent structure pursuant to zoning regulations or shall be removed from the property. A violation of this section shall not be justification for a zoning variance.~~

~~—(e) Compliance With Notice; Requests for Extension. For each notice issued pursuant to division (d) of this section, the owner may request a one-time sixty-day extension for the purpose of complying with this section. The request for the extension must be made within thirty days of the notice being served. The extension request must be made in writing to the Yellow Springs Police Department by the owner or owners of the vehicle, stating the purpose of the extension being requested and the nature of the repairs to be made, with positive identification of the vehicle being supplied. Ownership documents (vehicle title or memorandum) must be presented, and a valid vehicle registration must be obtained during the sixty-day extension. An issuance of an extension shall not require the reserving of notice under division (d) of this section, such that the Police Department may proceed to issue a citation for any violation of this section existing after the extension period has expired.~~

~~(f e) Penalty. Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor for a first offense. For a second offense, such person is guilty of a misdemeanor of the fourth degree. For each subsequent offense, such person is guilty of a misdemeanor of the third degree. Each vehicle left stored and unenclosed in violation of this section shall constitute a separate offense, and each day's continuance of the violation shall constitute a separate offense. Upon conviction under this section, whether for a first or subsequent offense, the court is authorized to order the vehicle removed from the property and to direct the Chief of Police to remove the vehicle if the defendant does not comply with the court's order. Such vehicle, if so removed by the Chief of Police, shall be impounded and disposed of pursuant to the disposition procedures contained in Ohio R.C. 4513.61 and 4513.62.~~