

## ORDINANCE NO. 112-23

AN ORDINANCE TO AMEND SECTION 521.11 OF THE CITY OF CONNEAUT CODIFIED ORDINANCES GOVERNING JUNK AND UNLICENSED VEHICLES, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 521.11 of the City of Conneaut Codified Ordinances is hereby amended as follows:

### 521.11 JUNK AND UNLICENSED VEHICLES.

(a) Definitions.

- 1) For purposes of this Section, "junk motor vehicle" shall mean any motor vehicle that is left uncovered in the open on private property for more than seventy-two (72) hours ~~which meets all of the following conditions; and:~~
  - A. The vehicle is extensively damaged, such damage including, but not limited to: broken windows or windshield, structural damage, or missing wheels tires, motor, engine, or transmission, ~~or;~~
  - ~~B. The vehicle is apparently inoperable~~
  - B. The vehicle is inoperable or operable in an unsafe condition as evidenced by, but not by way of limitation, no valid vehicle or motor vehicle license plate or similar identifying device issued by the County of Ashtabula or State of Ohio; flat tires; missing engine or engine components; any other condition which would result in the vehicle or motor vehicle being in violation of Ohio R.C. 4513.02 regarding safe vehicles.
  - ~~C. The vehicle is three (3) years or older~~
  - ~~D. A fair market value of less than one thousand five hundred dollars (\$1,500.00).~~
- 2) For purposes of this Section, the term "vehicle" shall mean any device in, upon, or by which any person or property is or may be transported or drawn, designed to travel along the ground by use of wheels, treads, runners or slides, except for devices designed to be moved by human power or exclusively upon stationary rails or tracks. The term "vehicle" shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, boats, trailers, mobile homes and storage trailers.
- 3) For purposes of this Chapter, "person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- 4) Junk motor vehicle parts: portions of motor vehicles, boats or motor homes including but not limited to hoods, fenders, radiators, rims, motor parts not being utilized for the repair of a motor vehicle, boat or motor home.
- 5) The definition of "junk motor vehicle" listed in subsection (a)(1) above specifically excludes any motor vehicle that is being held on a property that conducts business as a lawful, duly licensed junk yard or scrap metal processing facility or that is licensed under authority of sections 4737.05 to 4737.12 of the Ohio Revised Code or regulated under authority of the City; or any vehicle that is being held on a property that is part

of a lawful bona fide commercial operation; or if the motor vehicle qualifies as a "collector's vehicle" as defined by Ohio Revised Code Section 4501.01(F).

- (b) Junk Motor Vehicles Public Nuisance. A junk motor vehicle, or a junk motor vehicle part, or a collector's vehicle that is not stored in a covered building for more than ten (10) days is hereby declared to be a public nuisance and shall be abated in accordance with the provisions of this section.

More than two junk motor vehicles stored inside a covered building or structure within a district zoned residential for more than ten (10) days is hereby declared to be a public nuisance and shall be abated pursuant to the provisions of this section.

- (c) Notice of Violation.

- 1) The City Manager, Chief of Police, or any designated personnel, upon obtaining knowledge of a violation of this Ordinance, shall issue a "Notice of Violation" to the person owning, leasing or otherwise residing at or having possession or control of the premises where the junk motor vehicle is located. Said "Notice of Violation" shall direct such person, within ten (10) days, to either cover the junk motor vehicle by housing it in a garage or other suitable enclosed structure, or to remove the junk vehicle from the premises.

- 2) The ~~City Manager~~ Chief of Police, or any designated personnel may make personal service of the Notice or may post the written notice in a conspicuous location at the property where the vehicle is located. If the address of the owner or other person having possession or control of the premises is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the County.

~~3) The Notice shall state that any person receiving such Notice shall have the right to appeal said Notice, in writing, within ten (10) days of receipt or posting of the Notice. All written appeals shall be directed to the City Manager's Office and shall be heard and decided by the Planning Commission.~~

- ~~4)3) No person owning, leasing, or otherwise residing at or having possession or control of private property located within the City shall allow a junk motor vehicle, or any part of a junk motor vehicle, as defined in subsection (c)(2) above, to remain uncovered in the open on said property for more than ten (10) days after receipt or posting of the "Notice of Violation."~~

- ~~5)4) No person shall fail to comply with the Notice served upon them in accordance with this Section.~~

~~(d) Appeal. Any person who has been served with a Notice of Violation and who fails to appeal the Notice in writing as set forth above, within ten (10) days after receiving said Notice or after posting of the Notice shall be deemed to have waived any appeal rights. It shall then be conclusively presumed that the vehicle subject to the Notice constitutes a junk motor vehicle or junk motor vehicle part and is a public nuisance.~~

- ~~(e)(d)~~ Abatement of the Public Nuisance.

- 1) The ~~City Manager~~ Chief of Police, or any designated personnel shall abate the public nuisance by removing the junk motor vehicle(s) or junk vehicle motor part as soon as practicable and have the vehicle stored in a designated facility.
- 2) A junk motor vehicle or junk vehicle motor part which has been so removed and stored shall be disposed of in accordance with the following procedures:
  - A. The ~~City Manager~~ Chief of Police, or any designated personnel shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain



the owner and any lienholder of the motor vehicle that has been seized pursuant to this section. If known, the City shall send written notice to the owner or lienholder at their last known address by certified mail return receipt requested that the motor vehicle has been declared a public nuisance and will be disposed of if not claimed within fifteen (15) days of the mailing of the written notice.

B. The owner or lienholder of the motor vehicle or junk motor vehicle part may reclaim the vehicle upon payment of any expenses or charges incurred by the City in its removal and storage upon presentation of sufficient proof of ownership.

C. If the owner or lienholder makes no claim to the motor vehicle or junk motor vehicle part within fifteen (15) days of the mailing of the written notice described in this section, the City shall dispose of the vehicle or part to a junkyard or scrap metal processing facility or to any other facility owned or under contract with the City for the disposal of such motor vehicle, or shall be sold by the Chief, or licensed auctioneer at public auction, after giving notice thereof by advertisement, published once a week for two (2) successive weeks in a newspaper of general circulation in the County. Any moneys accruing from the disposition of an unclaimed junk motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the General Fund.

~~(f)~~(e) Penalty. Whoever violates any of the provisions of this section shall be guilty of a fourth-degree misdemeanor for a first offense and for each subsequent offense shall be guilty of a first-degree misdemeanor. Anyone found in violation of any provisions of this section shall also be assessed any costs incurred by the City in seizing, storing and disposing of the junk motor vehicle. The City may cause a lien to be placed on the property if costs are not paid within thirty (30) days' notice. The City further reserves the right to pursue an injunction or other equitable relief.

SECTION 2. That all other prior ordinances found to be inconsistent with this ordinance are hereby repealed.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is not declared to be an emergency measure in the interests of public peace, health and safety and, shall take effect thirty (30) days after passage.

Passed this 17th day of September, 2023.

Don A. Arnesen  
President of Council

ATTEST:

Jeani Hoen  
Clerk of Council