

VILLAGE OF HAMERSVILLE

ORDINANCE NO. 2001-08

AN ORDINANCE REGULATING THE STORAGE OF AUTOMOBILES AND
AUTOMOBILE PARTS WITHIN THE VILLAGE OF HAMERSVILLE.

BE IT ORDAINED by the Council of the Village of Hamersville, Ohio, three-fourths of
it's members concurring:

SECTION 1

DEFINITIONS

"Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars 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.

"Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other States.

"Junk motor vehicle" shall mean any motor vehicle meeting all of the following requirements:

- a) Is three years old or older.
- b) Is extensively damaged; such damage including but not limited to the following: missing wheels, tires, motor, transmission, etc.
- c) Apparently inoperable.
- d) Having a fair market value of \$200.00 or less.
- e) Located on a public street, right of way, or area open to the public for more than forty eight (48) hours, or on private property for more than seventy two (72) hours; without being housed in a garage or other suitable structure meeting the requirements of the Village zoning code.

"Automobile parts" shall mean and include any portion or parts of any motor vehicle as detached from the vehicle as a whole.

"Unlicensed motor vehicle" shall mean a motor vehicle that has no current license or registration.

"Person having charge or responsibility for the premises", for the purpose of this Ordinance, shall include any owner, co-owner, tenant, lessee, or licensee, of any real property within the Village of Hamersville, upon which a junk motor vehicle, collector's vehicle, or automobile parts are parked or stored.

"Garage or other suitable structure" shall, for the purpose of this Ordinance, mean a fully enclosed structure composed of usual and common building materials meeting the requirements of the Brown County Building Code and fire codes adopted by the State of Ohio and Brown County. It is not the intention of the Village Council to declare (by example and not limitation) tents, car ports, shelters composed of tarps, building paper, scrap metal, hay bales and other temporary structures as unsuitable for the storage of junk motor vehicles, unlicensed motor vehicles, or motor vehicle parts.

"Motor vehicle" shall have the definition assigned by the Ohio Revised Code pursuant to Title 45.

PROHIBITIONS

SECTION 2.1 No junk motor vehicle, unlicensed collector's vehicle, unlicensed motor vehicle, or motor vehicle parts shall be parked, stored, or otherwise left on property open to the public for more than forty eight (48) hours. Each subsequent period of thirty (30) days that a junk motor vehicle, unlicensed collector's vehicle, unlicensed motor vehicle, or motor vehicle parts shall be parked, stored, or otherwise left on property open to the public shall constitute a separate offense.

SECTION 2.2 No person having charge or responsibility for a premises shall permit a junk motor vehicle, unlicensed collector's vehicle, unlicensed vehicle, or motor vehicle parts to be parked, stored, or otherwise left on private property other than in a fully enclosed garage or structure, within seventy two (72) hours after being parked, stored, or otherwise left on said private property. Each subsequent period of thirty (30) days that a junk motor vehicle, unlicensed collector's vehicle, unlicensed vehicle or motor vehicle parts are parked, stored, or otherwise left on private property, other than in a fully enclosed garage or structure, shall constitute a separate offense.

SECTION 2.3 No person having charge or responsibility of a premises shall wilfully store or leave a junk motor vehicle, unlicensed collector's vehicle, unlicensed motor vehicle, or motor vehicle parts other than in a fully enclosed garage or other suitable structure for more than ten (10) days after receipt of notice as provided by this Ordinance and the fact that the motor vehicle or parts so left is prima facie evidence of willful failure to comply with the notice.

PROCEDURES FOR CITATION

SECTION 3.1 A Village Police Officer or an administrator appointed by Council for the enforcement of this Ordinance, shall upon determination that a junk motor vehicle,

unlicensed collector's vehicle, unlicensed motor vehicle or motor vehicle parts are located in an area open to the public for more than forty eight (48) hours, or on private property for more than seventy two (72) hours; without being housed in a garage or other suitable structure; shall make a record of said motor vehicle and/or photograph the damage or missing equipment and/or condition of the motor vehicle or motor vehicle parts to substantiate the value for the purposes of notice.

SECTION 3.2 The Village Official shall prepare a notice, which shall be in writing, and shall contain (a) the date of the violation and the location of the property, (b) a brief description of the activity or condition in violation of this Ordinance, and (c) the name of the person having charge or responsibility for the premises upon which the junk motor vehicle, unlicensed collector's vehicle, unlicensed motor vehicle or motor vehicle parts are located; on property open to the public, to the registered owner of the motor vehicle as designated by the Ohio Bureau of Motor Vehicles. Such notice shall state that within ten (10) days of receipt of such notice, the junk motor vehicle, unlicensed collector's vehicle, unlicensed motor vehicle or motor vehicle parts shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property open to the public.

SECTION 3.3 Such notice shall be served personally upon the owner, tenant, lessee, agent, or person having charge or responsibility of the premises. A duplicate copy of such notice shall be retained by the Village Official issuing the same, who shall record the date of service and upon whom service was made. In the event that personal service cannot be made, a copy of such notice shall be sent, via certified mail, return receipt requested, to the owner, lessee, agent, tenant or person having charge or responsibility of the premises or upon the owner of the motor vehicle as designated by the Ohio Bureau of Motor Vehicles, if such junk motor vehicle, unlicensed collector's vehicle, unlicensed motor vehicle or motor vehicle parts are located on property open to the public.

SECTION 4 No person shall be prevented from storing or keeping any currently licensed collector's vehicle on private property with permission of the person having the right to possession of the property provided.

PENALTY

SECTION 5 Whoever violates this Ordinance shall be found guilty of a minor misdemeanor and fined not more than \$100.00 for a first offense. On a second and subsequent offense occurring within forty five (45) days of the first offense, such person is guilty of a misdemeanor of the fourth degree and fined not more than \$250.00, and/or incarcerated not more than thirty (30) days.

MISCELLANEOUS PROVISIONS

SECTION 6 Should any section or provision of this Ordinance be declared by the Court to be unconstitutional or invalid, such decisions shall not affect the validity of the

Ordinance as a whole, and any part thereof, other than the part so declared to be unconstitutional or invalid, shall be independently enforced.

SECTION 7 All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict with this Ordinance including, but not limited to the general Ordinances of the Village of Hamersville; are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

SECTION 8 This Ordinance shall take effect at the earliest time permitted by law.

Adopted: 6-28-01

Attest:

Duane C. Neu
Duane C. Neu, Mayor

Tammie Ogile
Tammie Ogile, Clerk Treasurer