

ORDINANCE NO. 06-10
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Paul Gresham on the 19th day of April, 2010.

AN ORDINANCE AMENDING SECTION 452.05
OF THE CENTERVILLE MUNICIPAL CODE
REGARDING WILLFULLY LEAVING
VEHICLES ON PRIVATE OR PUBLIC
PROPERTY.

PREAMBLE AND PURPOSE

WHEREAS, the City of Centerville has previously enacted regulations in the Centerville Municipal Code Section 452.05 to enforce regulations for the willful leaving of vehicles on private or public property; and

WHEREAS, The City of Centerville previously authorized citations by a City police officer for violations of Section 452.05; and

WHEREAS, the City now intends to revise Section 452.05 to clarify the restrictions;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendment to Section 452.05 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

452.05 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(a) No person shall leave any motor vehicle, other than an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, on private residential or private agricultural property for more than four hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer; ~~without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place.~~

(b) No person shall leave a vehicle, other than an abandoned junk motor vehicle, at a repair garage or place of storage for a longer period than that agreed

upon by the owner of such garage or place of storage and the owner or person in custody or control of such vehicle.

(c) Divisions (a) and (b) of this section do not apply to any private residential property or private agricultural property that is established as a private tow-away zone in accordance with Section 452.055.

(d) As used in divisions (a) through (c) of this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures. (ORC 4513.60, 4513.61)

(e) (1) No person shall willfully leave an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in such place.

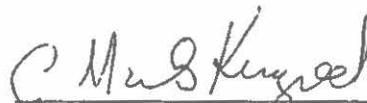
(2) For purposes of this division (e), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

(3) Nothing contained in this section and Ohio R.C. 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the Municipality.

(f) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Municipality in disposing of such abandoned junk motor vehicle, less any money accruing to the Municipality from such disposal.

Section 2, This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 19th day of April, 2010.



Mayor of the City of
Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 06-10, passed by the Council of the City of Centerville, Ohio on the 19th day of April, 2010.

Debra A. James
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney