

ORDINANCE NO. 4-98
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JAMES REPERT ON THE
16th DAY OF February, 1998.

AN ORDINANCE AMENDING THE CENTERVILLE MUNICIPAL CODE BY CHANGING THE DEFINITION OF CERTAIN MOTOR VEHICLES, CHANGING THE TIME LIMITATION FOR REMOVAL OF CERTAIN MOTOR VEHICLES AND REVISING THE REGULATION OF UNREGISTERED MOTOR VEHICLES.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Section 660.07 of the Centerville Municipal Code is hereby amended with the old language designated by strike out and the new language in italics:

660.07 DEPOSIT AND STORAGE OF ~~JUNK, JUNK CARS AND RUBBISH UNLICENSED, INOPERATIVE, ABANDONED AND JUNKED MOTOR VEHICLES.~~

(a) Definitions. As used in this section:

(1) ~~"Junk" means any worn out, cast off or discarded article or material that is ready for destruction or that 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. (Ord. 11-66. Passed 9-19-66.)~~

(2) (1) *"Junk-car" Unlicensed, Inoperative, Abandoned or Junked Motor Vehicle* means:

A. ~~Any used car or motor vehicle that is not in the process of reconditioning, that has been abandoned for use as a motor vehicle on public highways or that is in unsafe operating condition and has remained in such condition for a period in excess of five days;~~

Any vehicle not capable of legal operation on public streets in accordance with applicable ordinances and laws. The fact that a vehicle is not equipped with license plates as required by state law shall mean that it is not capable of such legal operation on public streets. Further, an inoperative, abandoned or junked vehicle is also defined as one that



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is partially dismantled, wrecked or deteriorating to such an extent that its continued presence would create a negative impact on property values and/or create a blighting influence on the neighborhood;

B. ~~A motor vehicle impounded at any location off the public highway; or~~

C. A motor vehicle being stored for service and repair. However, if such motor vehicle was impounded by order of the Manager or anyone designated by him or her in accordance with the provisions of subsection (d) hereof, or by order of the Chief of Police, such motor vehicle shall not be considered a junk car. (Ord. 76-73. Passed 10-1-73.)

~~(3)~~ (2) "Reconditioning" means the process of restoring, refurbishing or repairing a motor vehicle, which process must be performed in an enclosed area. (Ord. 29-70. Passed 7-6-70.)

~~(4)~~ "Rubbish" means wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, dead weeds, stumps, tree trunks, brush, paper circulars, handbills, boots, shoes, ashes or any waste material other than garbage or offal. (Ord. 11-66. Passed 9-19-86.)

~~(5)~~ (3) "Unenclosed areas" and "unenclosed" refer to areas not enclosed by a building with walls through which one cannot see or a fence through which one cannot see. (Ord. 29-70. Passed 7-6-70.)

(b) General Prohibition; Exceptions.

(1) No person, firm or corporation shall deposit, store, maintain or collect, or permit the deposit, storage, maintenance or collection of any ~~junk, junk cars or rubbish~~, *unlicensed, inoperative, abandoned or junked motor vehicle* in unenclosed areas on his or her premises or on any premises under his or her control which are unenclosed, or in any other place within the City, except as expressly provided by law.

(2) The provisions of this subsection shall not apply to the deposit and storage of junk, junk cars or rubbish in regularly established dumps, junk yards or salvage and scrap metal yards within the City. (Ord. 11-66. Passed 9-19-66.)

(c) Time Limit for Removal or Enclosure and Method of Notification. Any person violating any provision of this section shall, within ~~seven days~~ *seventy-two (72) hours* after notification of such violation by a person acting on behalf of the City, remove or cause to be removed any ~~junk, junk car or rubbish~~ *unlicensed, inoperative, abandoned or junked motor vehicle* or have the same placed in an enclosure or building with walls or ~~fencing~~ through



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which one cannot see, and in the event of failure, within such ~~seven-day~~ *seventy-two (72) hour* period, to comply with such notice, he or she shall be deemed guilty of violating the provisions of this section. *Notification shall be by certified or registered letter to the owner of the real property upon which the violation occurs at the then current tax mailing address of the owner or by personal service by a Centerville police officer. Personal service shall be considered valid and received by the owner if served upon an adult human being at said real property. If such service is refused or undeliverable, notification may be made by posting in a prominent place on said property.*

(d) Removal of Junk Cars by City; Impounding. The Manager or anyone designated by him or her is hereby authorized to remove or have removed any junk car left at any place within the City which is in violation of this section. Such junk car shall be impounded until lawfully claimed or disposed of in accordance with Ohio R.C. Chapter 737 or Chapter 4513.60. (Ord. 29-70. Passed 7-6-70.)

(e) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree for each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 59-74. Passed 7-15-74.)

Section 2. That Section 1484.04 of the Centerville Municipal Code is hereby amended as follows with the old language designated by strike out and the new language in italics:

(q) Motor Vehicles. Motor vehicles shall be subject to the following requirements:

(1) Residential areas. Except as provided in other regulations, ~~not more than one~~ *no* currently unregistered ~~and/or uninspected~~ motor vehicle shall be parked on any property in a residential district, ~~and said vehicle shall not at any time be in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled.~~ A vehicle of any type shall not at any time undergo a major overhaul, including body work, in a residential district, unless such work is performed inside a structure or similarly enclosed area ~~designed and approved for such purposes.~~ *unless such work is performed within a structure with walls through which one cannot see.*

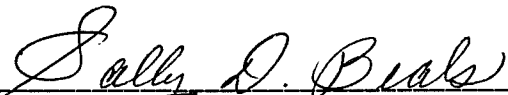
(2) Nonresidential areas. Except as provided in other regulations and approved by the Code Official, not more than two currently unregistered and/or uninspected motor vehicles shall be permitted on any property in a nonresidential district, and no such vehicle shall at any time be in a state of major disassembly or disrepair, nor shall it be in the process



of being stripped or dismantled. *The provisions of this subsection shall not apply to any automobile related business. "Automobile related business" shall include service or gas station, body shop, tire sales and service store, automobile repair shop and any similar operation.*

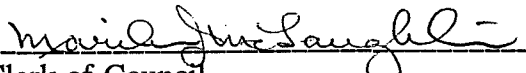
Section 3. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 16th day of February, 1998.



Mayor of the City of
Centerville, Ohio

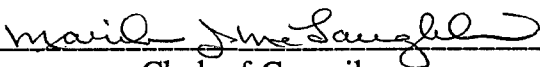
ATTEST:



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. 4-98, passed by the Council of the City of Centerville, Ohio on the 16th day of February, 1998.



Clerk of Council


ALTICK
&
CORWIN
CO., L.P.A.

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Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

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