

CHAPTER 95: UNCLAIMED AND ABANDONED VEHICLES

Section

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Cross-reference:

Abandonment of watercraft, see § 96.31

Nuisances generally, see Chapter 93

§ 95.01 IMPOUNDING MOTOR VEHICLE ON PRIVATE PROPERTY; REQUIREMENTS.

(A) (1) The Police Chief of the municipality, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in § 95.04, that has been left on private residential or private agricultural property for at least four hours without the permission of the of person having the right to the possession of the property. The Police Chief, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Police Chief. When ordering a motor vehicle into storage pursuant to this division, the Police Chief, whenever possible, shall arrange for the removal of the motor vehicle by a private tow truck operator or towing company. Subject to division (C) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (E) of this section.

(2) Divisions (A)(1) through (A)(3) of this section do not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (B) of this section.

(3) As used in divisions (A)(1) and (A)(2) 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. The term 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.

(B) (1) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:

(a) The owner posts on the owner's property a sign that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that contains at least all of the following information:

1. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;

2. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;

3. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed \$90, and a storage charge, in an amount not to exceed \$12 per 24-hour period; except that the charge for towing shall not exceed \$150, and the storage charge shall not exceed \$20 per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.

(b) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipality in which the private tow-away zone is located.

(2) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (B)(1) without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in division (B)(1)(a)3. of this section, and the owner, subject to division

(C) of this section, may recover a vehicle that has been so removed only in accordance with division (E) of this section.

(3) If the municipality requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipality shall remove or shall cause the removal and storage of any vehicle pursuant to division (B)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(4) Divisions (B)(1) through (B)(3) of this section do not affect or limit the operation of division (A) of this section, §§ 95.02 through 95.06 or R.C. §§ 4513.61 through 4513.65 as they relate to property other than private property that is established as a private tow-away zone under division (B)(1) of this section.

(C) If the owner or operator of a vehicle that has been ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is being removed under authority of division (B)(2) of this section arrives after the vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of vehicles under division (A)(1) of this section or of vehicles under division (B)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the vehicle for removal, in order to obtain release of the vehicle. Upon payment of that fee, the vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

(1) If the motor vehicle was ordered into storage pursuant to division (A)(1) of this section, it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;

(2) If the vehicle was being removed under authority of division (B)(2) of this section, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(D) (1) If an owner of private property that is established as a private tow-away zone in accordance with division (B)(1) of this section or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of division (B)(2) of this section, the owner or agent promptly shall notify the Police Department of the removal, the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

(2) The Police Chief shall maintain a record of vehicles that the Police Chief orders into storage pursuant to division (A)(1) of this section and of vehicles removed from private property in the Police Chief's jurisdiction that is established as a private tow-away zone of which the Police Chief has received notice under division (D)(1) of this section. The record shall include an entry for each such vehicle that identifies the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the vehicle and requests information pertaining to its location.

(3) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a vehicle under division (A)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(E) The owner of a vehicle that is ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is removed under authority of division (B)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed \$90, and storage, in an amount not to exceed \$12 per 24-hour period; except that the charge for towing shall not exceed \$150, and the storage charge shall not exceed \$20 per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle also shall be required for reclamation of the vehicle. If a vehicle that is ordered into storage pursuant to division (A)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by §§ 95.02 and 95.03 shall apply.

(F) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under division (B)(1) of this section other than in accordance with division (B)(2) of this section, and no person shall remove, or cause the removal of, any motor vehicle from any other private property other than in accordance with division (A)(1) of this section, §§ 95.02 through 95.06 or R.C. §§ 4513.61 through 4513.65.

(G) Whoever violates division (B)(3) or (F) of this section is guilty of a minor misdemeanor.
(R.C. § 4513.60) (Rev. 2012)

§ 95.02 IMPOUNDING ABANDONED MOTOR VEHICLE ON PUBLIC PROPERTY; NOTICE; DISPOSITION.

(A) The Police Chief of the municipality may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in § 95.04, that has come into the possession of the Police Chief as a result of the Police Chief's duties or that has been left 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 48 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place, except that when such motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately. The Police Chief shall designate the place of storage of any motor vehicle so ordered removed.

(B) The Police Chief immediately shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief, and if known, shall send or cause to be sent notice to the owner or lienholder at his or her last known address by certified mail with return receipt requested, that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle. If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charged incurred in the removal and storage of the vehicle.

(C) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing the notice, and if the vehicle is to be disposed of at public auction as provided in § 95.03, the Police Chief, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of R.C. § 4513.61. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in § 95.03, the Police Chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed, and that all requirements of R.C. § 4513.61 have been complied with. The Police Chief shall retain the original of the affidavit for his or her records, and shall furnish two copies to the motor

vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, will issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(D) Whenever a motor vehicle salvage dealer or other facility receives such an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility is not required to obtain a state certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.
(R.C. § 4513.61) (Rev. 2012)

§ 95.03 DISPOSITION OF VEHICLE ORDERED INTO STORAGE.

Unclaimed motor vehicles ordered into storage pursuant to § 95.01(A)(1) or § 95.02 shall be disposed of at the order of the Police Chief to a motor vehicle salvage dealer or scrap metal processing facility as defined in R.C. § 4737.05, or to any other facility owned by or under contract with the municipality for the disposal of such motor vehicles, or shall be sold by the Police Chief or licensed auctioneer at public auction after giving public notice by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in R.C. § 7.16. Any monies accruing from the disposition of an unclaimed 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 of the municipality.
(R.C. § 4513.62) (Rev. 2012)

§ 95.04 DISPOSITION OF ABANDONED JUNK MOTOR VEHICLES.

(A) As used in this section, *ABANDONED JUNK MOTOR VEHICLE* means any motor vehicle meeting all of the following requirements:

- (1) The vehicle is left on private property for 48 hours or longer without the permission of the person having the right to the possession of the property, 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;
- (2) The vehicle is three years old or older;
- (3) The vehicle is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- (4) The vehicle is apparently inoperable; and
- (5) The vehicle has a fair market value of \$1,500 or less.

(B) The Police Chief shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of \$1,500 or less. The Police Chief shall thereupon immediately dispose of the abandoned junk motor vehicle to a motor vehicle salvage dealer as defined in R.C. § 4738.01 or a scrap metal processing facility as defined in R.C. § 4737.05 which is under contract to the municipality, or to any other facility owned by or under contract with the municipality for the destruction of such motor vehicles. The records and photographs relating to the abandoned junk motor vehicle shall be retained by the law enforcement agency ordering the disposition of such vehicle for a period of at least two years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of R.C. § 4513.63 have been complied with, and, within 30 days of disposing of the vehicle, shall sign and file the affidavit with the Clerk of Courts of the county in which the motor vehicle was abandoned. The Clerk of Courts retains the original of the affidavit for the Clerk's files, furnishes one copy thereof to the registrar, one copy to the motor vehicle salvage dealer or other facility handling the disposal of the vehicle, and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photograph relating to the disposal. Any monies arising from the disposal of an abandoned junk motor vehicle shall be deposited in the General Fund of the municipality.

(C) Notwithstanding § 95.02, any motor vehicle meeting the requirements of division (A)(2), (A)(3) and (A)(5) of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in § 95.02 may be disposed of as provided in this section.
(R.C. § 4513.63) (Rev. 2005)

§ 95.05 ABANDONMENT OF JUNK MOTOR VEHICLE PROHIBITED.

(A) (1) No person shall willfully leave an abandoned junk motor vehicle as defined in § 95.04 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 section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

(3) Nothing contained in §§ 95.01, 95.02 and 95.04 and 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.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the municipality from the disposal of the vehicle.
(R.C. § 4513.64) (Rev. 2004)

§ 95.06 JUNK MOTOR VEHICLE; ORDER TO COVER OR REMOVE; NOTICE; EXCEPTIONS.

(A) (1) As used in this section, *JUNK MOTOR VEHICLE* means any motor vehicle meeting the requirements of § 95.04(A)(2), (A)(3), (A)(4) and (A)(5) that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of R.C. §§ 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(2) The municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, and unlicensed collector's vehicle stored in the open.

(3) The Police Chief, the Legislative Authority, or the zoning authority may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

(4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each

subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.65) (Rev. 2010)

