

ORDINANCE NUMBER 2007- 7

**AN ORDINANCE PROHIBITING THE KEEPING OF JUNK  
OR SALVAGE MATERIALS, AUTOMOBILE PARTS OR SCRAP METAL  
ON PRIVATE PROPERTY AND PROHIBITING LEAVING OF  
INOPERABLE VEHICLES ON STREETS, SIDEWALKS, OR  
PROPERTY WITHIN THE VILLAGE OF TILTONSVILLE, OHIO,  
AND IMPOSING PENALTIES.**

BE IT ORDAINED, by the Council of the Village of Tiltonsville, County of Jefferson, State of Ohio:

SECTION 1: As used in this Ordinance, the following words shall have the following respective meanings in the interpretation and enforcement of this Ordinance:

- a. "Persons" shall mean any person, firm, partnership, association,
  - 1. corporation, company or organization of any kind.
- b. "Inoperable vehicles" shall mean any style or type of vehicle which is in
  - 1. a dangerous condition, has defective or missing parts or is in such a
  - 2. condition generally as to be unfit for further use as a conveyance, or
  - 3. which will not start and run.
- c. "Repeat offense" shall mean any subsequent offense that occurs after the final disposition of a prior offense in contravention of this Ordinance and which does not occur consecutively to the filing of the initial complaint in the prior case.
- d. "junk" shall mean any objects or materials which if allowed to accumulate creates an unreasonable risk to the health, safety, and welfare to the community and its residents.

SECTION 2: No person in charge of or in control of any private property within this municipality, whether as owner, tenant, occupant, lessee or otherwise, shall allow any automobile parts, scrap metal, junk or inoperable vehicle to remain on such property longer than five (5) days after receipt of a written notice from the police of this municipality to remove such inoperable vehicle, automobile parts, scrap metal or junk from such property; except that this Section shall not apply with regard to such automobile parts, scrap metal, or inoperable vehicle in an enclosed building or in other sheds or enclosures, specially designed for the purpose of storage of such materials unless the same should become a nuisance.

SECTION 3: No person in charge of or in control of any property with the municipality, whether as owner; tenant, occupant, lessee, or otherwise, shall allow any inoperable vehicle, automobile parts, scrap metal or any junk or any junked vehicle to remain in any building or enclosure within this municipality longer than

fifteen (15) days after receipt of a written notice from the Chief of Police or any member of his department designated by him to the effect that such building or enclosure has become a nuisance by creating an unreasonable risk to the health, safety welfare of the residents of this municipality.

If any such person served with the notice as provided in the paragraph immediately preceding, fails to cause such violation to cease within fifteen (15) days of the date upon which the notice provided above was issued, he shall be subject to the penalties provided in this Ordinance and a separate offense shall be deemed committed upon each day during or on which the violation occurred or continues beyond such fifteen (15) day period; provided that no additional notice of violation is required to be given in such cases.

SECTION 4: When, in the opinion of the Chief of Police of this municipality, the storage of inoperable vehicles, automobile parts, scrap metal or junk, whether or not enclosed in any building or specially designed enclosure within this municipality has become a nuisance by the reason that such storage, open or enclosed also harbors rats, roaches, or other vermin, or is a nuisance by reason of danger from fire or entry therein by juveniles or suspicious persons or upon repeated complaints by residents of this municipality in the surrounding area, or creates an unreasonable risk to the health, safety and welfare to the residents of this municipality, the Chief of Police of this municipality or any member of his department designated by him, shall give written notice to the person in charge of or in control of such property to the effect that such accumulation of objects or materials whether enclosed or otherwise has become a nuisance.

SECTION 5: Notwithstanding the provisions stated above in this Ordinance, it shall not be unlawful for any person in charge of or in control of any property within this municipality to purchase new or used building materials and to place or store them in any lot, lots, parts of lots, or parcel of land within this municipality when such materials are to be used by the purchaser or person in charge of or in control of such property in later construction on the same lot or any lot owned or controlled by such person; provided that such material shall not remain on said lot, lots, parts of lots, or parcel of land for a period of more than thirty (30) days, unless actual construction or erection planned for the use of said material has commenced and continues unabated daily, and provided further that such materials are actually used or consumed in the construction on or removed from the premises within a period of four months from the time said materials are first placed on the lot, lots, parts of lots, or parcel of land. It shall be unlawful for any person or persons to move any materials so stored or placed to another location within this municipality for the purpose of avoiding the intent of this section, except that any such materials may be moved to another lot, lots, parts of lots, or parcel of land when the same has been

sold to a bona fide purchaser for value for such purchaser's own use. Excepting also bona fide used and new car dealers, kept in proper lots.

SECTION 6: No person shall leave any inoperable vehicle or abandoned vehicle, licensed or unlicensed, on any street, highway or sidewalk within the municipality for a period longer than 48 hours.

SECTION 7: The police of this municipality are hereby authorized to remove or have removed any vehicle left at any place within this municipality which is in violation of this Ordinance. Such vehicles shall be impounded until lawfully claimed or disposed of in accordance with Chapter 737 of the Revised Code of Ohio.

SECTION 8: Notices under this Ordinance shall be in writing and shall be served upon the person in charge of or in control of such property within this municipality, whether as owner, tenant, occupant, lessee, or otherwise either personally or at the usual place of residence of such person in control of such property, or by registered or certified mail, addressed to such person's last known place of residence.

SECTION 9: Whoever violates this Ordinance shall be fined not more than \$100.00 with each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as an unclassified misdemeanor. A repeat offense shall be punished by not more than \$150.00 fine with each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as an unclassified misdemeanor, Any additional repeat offenses shall be punishable as a misdemeanor of the fourth degree.

SECTION 10: That all Ordinances Or parts of Ordinances inconsistent herewith be repealed and *this Ordinance* shall *take effect from and after the* earliest period allowed by law.

PASSED: February 20, 2007

First Reading: February 20, 2007