

RESOLUTION #-2008-03

RESOLUTION ADOPTING REMOVAL PROCEDURES FOR JUNK MOTOR VEHICLES AS PROVIDED IN SECTION 505.871 OF THE OHIO REVISED CODE.

WHEREAS, the State of Ohio has enacted legislation to permit townships to provide for the removal of junk motor vehicles located on both public and private property within the unincorporated territory of the township, and

WHEREAS, Resolution No. 2008-03, prohibits the outdoor storage of junk and junk motor vehicles within the unincorporated territory of the township, with limited exceptions; and (list here any Resolutions addressing outdoor storage of junk motor vehicles)

WHEREAS, the Clay Township Board of Trustees believe that it is in the best interest of Clay Township to adopt procedures in accordance with O.R.C. Section 505.871 to remove junk motor vehicles located within the unincorporated territory of the Clay Township;

NOW, THEREFORE, BE IT RESOLVED by the Clay Township Board of Trustees to enact the following junk motor vehicle removal policy and procedure as follows, effective immediately.

JUNK MOTOR VEHICLE REMOVAL RESOLUTION

1. Policy Statement – It is the policy of Clay Township to encourage property owners to voluntarily maintain their property in a nuisance free condition. The Board has thus determined that the presence of junk motor vehicles within the Township causes damage, annoyance, inconvenience, blight, and detrimentally affects the health, safety and welfare of adjacent residents and properties.

2. For purposes set forth above, the Clay Township Board of Trustees may provide for the removal of any motor vehicle in the unincorporated territory of the township that the Board determines is a junk motor vehicle, as defined in section 505.173 [505.17.3] of the Ohio Revised Code.

A. Definitions:

Junk Motor Vehicle: Pursuant to R.C. § 505.173 [505.17.3], a junk motor vehicle is a motor vehicle, whether licensed or unlicensed, that meets all of the following criteria:

- (1) Three model years old, or older;
- (2) Apparently inoperable; and
- (3) Extensively Damaged, including, but not limited to, any of the following: missing wheels, tires, engine or transmission.

B. Procedures:

1. Upon the Board's determination that a junk motor vehicle exists on public property within the unincorporated territory of the Township, the Board of Trustees will take immediate steps to remove the vehicle(s).
2. Upon information that a junk motor vehicle exists on private property within the unincorporated territory of the township, the Board of Trustees will make cause to inspect the property. If the Board of Trustees finds that the motor vehicle(s) in question fits the description of "junk motor vehicle", notice to the owner(s) of such property and all lien holders of record shall be made to attend a public hearing, where the Board of Trustees will determine if the motor vehicle(s) located on said property is a "junk motor vehicle". Notification of said public hearing will be made in the following manner:
 - a. By certified mail, return receipt requested, and by regular mail with certification of mailing, to any holders of liens of record on the land and to the owner of the land, if the owner resides in the unincorporated territory of the township or if the owner resides outside the unincorporated territory of the township and the owner's address is known or ascertainable through an exercise of reasonable diligence.
 - b. If a notice sent by certified mail is refused or unclaimed, or if the owner(s) address is unknown and cannot reasonably be obtained, the board shall publish the notice once in a newspaper of general circulation in the township before said public hearing. If the land contains any structures, the Board shall also post the notice on the principal structure on the land.

A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on the signed return receipt. A notice given by publication shall be deemed to be served on the date of the newspaper publication.

3. The notice of public hearing shall contain:
 - a. The date, time and location of the public hearing;
 - b. The location of the property containing the alleged junk motor vehicles;
 - c. A description of the motor vehicle(s);
 - d. A statement that the purpose of the public hearing is for the board to determine whether the subject motor vehicle(s) is a "junk motor vehicle" as same is defined in this Resolution as well as in Ohio Revised Code § 505.173;
 - e. That the property owner(s) may appear at said hearing and present evidence and/or witnesses on his/her behalf;
 - f. That the property owner(s) may be represented by an attorney at said hearing; and
 - g. That if the Board of Trustees determines that the property owner(s)' motor vehicle(s) are junk motor vehicle(s), the Board will cause said junk motor vehicles to be removed as provided below.

C. If the Board of Trustees determines at the public hearing, based upon the evidence presented therein, that the subject vehicle meets the criteria for determining that same is a "junk motor vehicle(s)", the Board of Trustees shall notify the property owner(s) and any holders of liens of record upon the land, that:

1. The Board of Trustees has determined, after public hearing, that a junk motor vehicle(s) exists on the property;
2. The property owner(s) is ordered to remove all junk motor vehicles or to store (at all times) any and all junk motor vehicles within a completely enclosed structure; and
3. If such junk motor vehicle(s) is not removed or stored within a completely enclosed structure within fourteen (14) days of notification, the Board of Trustees will provide for the removal of the vehicle(s), and any expenses incurred by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.

- D. Said notice, containing the removal order as described in Section D above, shall be sent to the property owner(s) and all lien holders by certified mail and regular mail with certificate of mailing. If the address of the property owner(s) is unknown and cannot be reasonably obtained, the Board of Trustees will publish the notice once in a newspaper of general circulation in the Township. The Board of Trustees shall also cause a posting of said order to be placed at the property.
- E. If, within fourteen (14) days after notice is given, the property owner(s) fails to remove the vehicle(s) or to store it in a completely enclosed structure, the Board of Trustees shall make available funds and take all necessary actions to abate the nuisance by removing the junk motor vehicle(s). All expenses incurred in abating the nuisance shall be approved by the Board of Trustees and paid from the general fund.
- F. Upon having the junk motor vehicles removed, the Board of Trustees shall prepare, and the Clerk shall submit, a written report to the Montgomery County Auditor. The report shall include a statement of the Board of Trustees' actions under this Resolution and Ohio Revised Code Section 505.871, as well as a statement of all expenses incurred in providing for the removal of the junk motor vehicle(s), including the Board's charges for its services, notification, the amount paid for labor, materials and equipment along with a proper description of the property.
- G. Pursuant to Ohio Revised Code Section 505.871, the Board reserves the right to borrow moneys from a financial institution to pay the expenses incurred in providing for the removal of junk motor vehicles, including ~~the Board's charges for its services, notification, the amount paid for~~ labor, materials and equipment, in the event that said removal of junk motor vehicle(s) exceeds five hundred dollars.

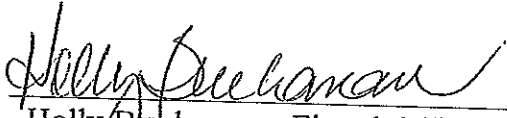
**CLAY TOWNSHIP
BOARD OF TRUSTEES**

By: Steve Denlinger PRES.
Steve Denlinger, President

By: Don Aukerman
Don Aukerman, Vice President

By: _____
Lon Chambers, Trustee

I hereby certify that **Resolution No. 2008-03** was adopted by the Clay Township Board of Trustees at their meeting on **March 18, 2008**.



Holly Buchanan, Fiscal Officer