

ORDINANCE NO. 05-09

AN ORDINANCE AMENDING ORDINANCE NO. 03-18-03 OF THE VILLAGE OF ROCKFORD, OHIO PERTAINING TO JUNK MOTOR VEHICLES, AND DECLARING AN EFFECTIVE DATE

WHEREAS, Ordinance 03-18-03 of the Village of Rockford, Ohio sets forth regulations for junk motor vehicles, and;

WHEREAS, the Council of the Village of Rockford, Ohio deems it necessary and appropriate to amend Ordinance 03-18-03.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ROCKFORD, OHIO, THAT:

SECTION 1: Ordinance 03-18-03 shall be amended to read as follows:

SECTION 95.06 - DISABLED MOTOR VEHICLES

(A) For purposes of this Section, “junk motor vehicle” means any motor vehicle which is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission; apparently disabled or inoperable; or not validly licensed, that is left in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junkyard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12; or otherwise regulated under the authority of the Municipality; 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.

(B) A Police Officer shall serve a written notice to the person having the right to the possession of the property on which a junk motor vehicle is left. Within five (5) days after the receipt of the notice, the junk motor vehicle shall either be housed in a closed garage or other similar structure so that such vehicle is not visible to the public or shall be permanently removed from the property.

(C) No person shall willfully leave a junk motor vehicle in the open for more than five (5) 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 five (5) days that a junk motor vehicle continues to be so left constitutes a separate offense. (ORC 4513.65).

(D) Upon failure to comply with the written notice to the person having the right to possession of the property on which a junk motor vehicle is left, the Municipality shall cause to have removed such junk motor vehicle by a licensed and bonded towing service

and assess the owner of the property the actual cost of such removal but not less than the actual cost plus one (1) hour of administrative fees and daily storage, if applicable. Daily storage per junk motor vehicle shall be a minimum of fifteen dollars (\$15.00) per day per vehicle.

(E) Whoever violates any provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense and each successive offense within a calendar year such person shall be guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed on each fifth day during or on which a violation occurs or continues.

SECTION 2: All legislation in conflict herewith shall be, and the same hereby is, repealed.

SECTION 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed on this 6th day of October 2009 .

Attest:

Clerk of Council

Mayor

President of Council