

ORDINANCE NO: 14-0-03
SPONSOR: MAYOR BOLLAS
INTRODUCED: APRIL 16, 2014
(Exhibit Amended May 21, 2014)

AN ORDINANCE TO AMEND NEW FRANKLIN ZONING CODE SECTION 800.10 (JUNK/UNLICENSED MOTOR VEHICLE REGULATIONS) AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, New Franklin currently has provisions in its Zoning Code Section 800.10 for the regulation of junk/unlicensed motor vehicles on properties in New Franklin; and

WHEREAS, the Zoning Administrator has recommended that Section 800.10 be amended to include motor vehicles that have been dismantled, wrecked, or are inoperable; and

WHEREAS, the Zoning Administrator has also recommended that Section 800.10 be expanded to include junk, dismantled, wrecked, inoperable, or unlicensed motor vehicles stored on a trailer or covered with a tarp or any type of vehicle cover; and

WHEREAS, the Zoning Administrator has also recommended that the words "or collector" be added to the Historical Motor Vehicle Defense found in Section 800.10 (B) (3); and

WHEREAS, New Franklin Council deems it to be in the best interest of its residents to amend Section 800.10 of the New Franklin Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Article 8, Section 800.10 of the New Franklin Zoning Code is amended in accordance with the attached Exhibit "A".

SECTION TWO:

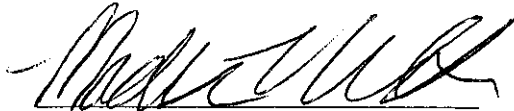
The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:


Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the

members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor: otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: August 6, 2014.



Madison Wolbert, Clerk



David Stock, President

APPROVED: August 6, 2014.



Al Bellas, Mayor

ENACTED EFFECTIVE: August 6, 2014.

ON ROLL CALL: Adamson, yes. Harget, yes. Jones, yes.
Gehm, yes. Norris, yes. Stock, yes.
Kalapodis, yes.

Publications in the Leader on AUGUST 15, 2014 and AUGUST 22, 2014.



Madison Wolbert, Clerk

§800.10 JUNK, DISMANTLED, WRECKED AND/OR UNLICENSED MOTOR VEHICLE REGULATIONS

A. Purpose.

The intent of these regulations is to address certain properties in the City that have junk, DISMANTLED, WRECKED and/or unlicensed vehicles on them. These regulations also provide an opportunity for those vehicle owners and the properties associated with those vehicles for a hearing and due process before final action is taken.

B. Prohibitions.

(1) Storage Of Junk, DISMANTLED AND/OR WRECKED Motor Vehicles.

(a) No person shall willfully permit a junk, DISMANTLED AND/OR WRECKED motor vehicle to remain in the open on private property, which the person owns, occupies, or controls after receipt of an order to remove the junk, DISMANTLED AND/OR WRECKED motor vehicle. The order shall state that a hearing appealing the order to remove the junk, DISMANTLED AND/OR WRECKED motor vehicle may be had, shall describe the vehicle to be removed, and shall be served by the Police Department or by the Zoning Department in any manner provided by the Ohio Rules of Civil Procedure.

(b) If any recipient of an order to remove a junk, DISMANTLED AND/OR WRECKED motor vehicle fails to appeal the same in writing within ten (10) days after its receipt to the Property Maintenance Enforcement Board, it shall be conclusively presumed to establish the junk, DISMANTLED AND/OR WRECKED motor vehicle as a nuisance and the junk, DISMANTLED AND/OR WRECKED motor vehicle shall be removed by the Police Department immediately. The fact that a junk, DISMANTLED AND/OR WRECKED motor vehicle is left on private property without the filing of an appeal by the recipient of an order to remove a junk, DISMANTLED AND/OR WRECKED motor vehicle is prima facie evidence of willful failure to comply with the order.

(c) No person shall leave a junk, DISMANTLED AND/OR WRECKED motor vehicle for any period of time on private property to which such person does not have the right of possession without the authorization of the person having the right of possession of such property.

(d) NO PERSON SHALL LEAVE A JUNK, DISMANTLED AND/OR WRECKED MOTOR VEHICLE FOR ANY PERIOD OF TIME ON PRIVATE PROPERTY STORED UPON A TRAILER OR COVERED WITH A TARP OR ANY TYPE OF VEHICLE COVER.

(2) Storage Of Unlicensed Vehicles.

(a) No person shall willfully permit an unlicensed motor vehicle to remain in the open on private property, which the person owns, occupies, or controls after receipt of an order to remove the unlicensed motor vehicle. The order shall state that a hearing appealing the order to remove the unlicensed motor vehicle may be had, shall describe the vehicle to be removed, and shall be served by the Police Department or by the Zoning Department in any manner provided by the Ohio Rules of Civil Procedure.

(b) If any recipient of an order to remove an unlicensed motor vehicle fails to appeal the same in writing within ten (10) days after its receipt to the Property Maintenance Enforcement Board, it shall be conclusively presumed to establish the motor vehicle shall be removed by the Police Department immediately. The fact that an unlicensed motor vehicle is left on private property without the filing of an appeal by the recipient of an order to remove an unlicensed motor vehicle is prima facie evidence of willful failure to comply with the order.

(c) No person shall leave an unlicensed motor vehicle for any period of time on private property to which such person does not have the right of possession without the authorization of the person having the right of possession of such property.

(d) NO PERSON SHALL LEAVE AN UNLICENSED VEHICLE FOR ANY PERIOD OF TIME ON PRIVATE PROPERTY STORED UPON A TRAILER OR COVERED WITH A TARP OR ANY TYPE OF VEHICLE COVER.

(3) Historical OR COLLECTOR Motor Vehicle Defense.

(a) Any person claiming Historical OR COLLECTOR Motor Vehicle status for any motor vehicle in defense of a violation of this section must provide proof that said vehicle is registered as a Historical OR COLLECTOR Motor Vehicle with the Ohio Bureau of Motor Vehicles, has been inspected, and is currently safe to operate on the highways of the State.

C. Appeals.

(1) Any person receiving an order to remove a motor vehicle pursuant to Section 800.10B shall have a right to appeal the order to remove to the Property Maintenance Enforcement Board. The appeal shall be filed in writing within ten (10) days after the order to remove is served.

(2) The Property Maintenance Enforcement Board shall hear any appeals within forty-five (45) days after the appeal is filed. The Board shall determine if the motor vehicle is in violation of Section 800.10B. If the vehicle is found to be in violation by the Board, the Board shall order that the vehicle be removed by the Police Department.

D. Storage And Disposal Of Motor Vehicles.

(1) After a motor vehicle has been determined to be a junk, DISMANTLED AND/OR WRECKED motor vehicle, as provided